

THE GROWTH OF PUBLIC SENTIMENT TOWARD
THE AMERICAN IMMIGRATION
POLICIES: 1921--1935

by

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PREFACE

The fact that, in 1927, the American Historical Association's Committee on Research in Colleges listed the history of immigration as a research topic indicates its importance. The studies that have been made, heretofore, concern the history, the development, or the operation of the immigration laws. However, the topic which the author has attempted to cover in the confines of this paper has never before been presented. The author found the expressions of opinion in widely separated sources. An attempt has been made to show the development of public sentiment toward the American immigration laws and the present need for a selective immigration policy.

A large part of the material in this thesis was secured from the Kansas State College library. The author obtained some general books from the Kansas University library, and some valuable information from the Foreign Language Information Service of New York City. The United States Departments of State and Labor contributed governments documents and other materiel of value.

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TABLE OF CONTENTS

Chapter	Page
I. The Early Attitude of the Public	1
II. Public Opinion and the 1890 Census as a Basis..	42
III. Public Sentiment Toward the Temporary Nature of the Act of 1924	54
IV. First Scientific Basis for Immigration Restriction	62
V. Public Sentiment Toward the Future of Immigration to America	70
Bibliography	101

I. THE EARLY ATTITUDE OF THE PUBLIC

The complicated American immigration problem has continued to interest each succeeding generation. Early in the nineteenth century, hundreds of people started coming to the shores of America. Hardly were they well landed before they started pushing inland, westward, or started congregating in the growing American cities. Years went by. The stream of settlers increased, and its source varied, but still newcomers pushed in.

The leaders and thinkers of the country began to believe that something must be done. This attitude was echoed in the minds of the people. A public sentiment started to form in respect to the regulation of immigration, although immigration had been one of the instruments in developing the country to the status of a world power.

The "Melting Pot of the Races" was the proud title which had been deemed suitable for the United States.¹

¹ Kiyo Inui, "International Aspects of the United States Immigration Law of 1924," in The Contemporary Review, Vol. CXXVIII (September, 1925), p. 327.

Yet Thomas Jefferson, George Washington, and other founders of the nation had very different views in respect to the matter:

'The sentimental theory that this virgin country was a place of refuge for distressed mankind never for a moment obtained possession of their minds.' The one desirable way of increasing population, they believed, was, the natural increment of the people already here.²

Nearly a century later similar ideas dawned in the minds of the citizens and they began to question the "Melting Pot" theory, which the unwise and unthinking people had applied to the nation. Lillian Russell, a special investigator for President Harding, worded the swakening sentiment of the country when she said:

[The United States] ... is today a world power. An intelligent, cohesive, loyal citizenship is its propulsive force. The melting pot has been overcrowded. It has boiled too quickly and is running over. It were better to put out the fires under it and allow its contents to solidify before adding any more raw material.

If we don't put up the bars and make them higher and stronger there no longer will be an America for Americans.³

In the early 1920's, the regulation of immigration was one of the paramount and most serious national problems. In 1922 some 35,000,000 people in America were either foreigners

² "The Great Fallacy of Immigration," in World's Work, Vol. XLVI (June, 1923), p. 121.

³ New York Times, March 29, 1922.

themselves, or direct descendants from foreign stock. In other words, eight out of ten men who formed the great laboring class were immigrants or sons and daughters of immigrants.⁴

The political significance of the regulation of immigration is nearly as important as its industrial importance: Three Presidents had vetoed the literacy test and Congress was not able to muster enough votes to override the vetoes until the latter part of President Wilson's administration.

President Cleveland expressed his reasons for vetoing the literacy test as follows:

A radical departure from our national policy relating to immigration is here presented. Heretofore we have welcomed all who came to us from other lands except those whose moral or physical condition or history threatened danger to our national welfare and safety.

The best reason that could be given for this radical restriction of immigration is the necessity of protecting our population against degeneration and saving our national peace and quiet from imported turbulence and disorder.

I can not believe that we would be protected against these evils by limiting immigration to those who can read and write in any language twenty-five words of our Constitution.⁵

⁴ Ibid., December 31, 1922; Fourteenth Census of the United States Taken in the Year 1920 (Washington, 1921-1923), Vol. III, p. 15, Vol. IV, pp. 344-354.

⁵ James D. Richardson, A Compilation of the Messages and Papers of the Presidents, 1989--1902, (Washington, 1905), Vol. IX, pp. 757-759.

4

This veto did not receive the whole-hearted and unanimous support of the public. The press and a number of organizations had been agitating for the literacy test and were disappointed when presidential approval was withheld. The pressure of matters connected with the war with Spain kept the bill from being passed over the President's veto.⁶

Like all earlier agitations for reform, the attempt to force this measure proved fruitless. The net result was the restriction of three-fifths of one per cent of the new arrivals.⁷

During the latter part of President Taft's administration, the literacy test was again vetoed. Taft said that he could not make up his mind to sign a bill which in its chief provision violated a principle that ought, in his opinion, to be upheld in dealing with immigration. The bill received strong support in both houses and was recommended by an able commission after an extended investigation and carefully drawn conclusions. His opposition to the literacy test was

⁶ "New Problems of Immigration," in The Forum, Vol. XXX (January, 1901), p. 564.

John Chetwood Jr., "Immigration, Hard Times, and the Veto," in The Arena, Vol. XVIII (December, 1897), p. 788.

based on arguments submitted by Charles Nagel, Secretary of Commerce and Labor. In the letter, from Nagel, the points that affected the veto were:

....one qualified immigrant may bring in certain members of his family...who may themselves be disqualified, whereas a disqualified member would exclude all members of his family....

Furthermore the distinction in favor of the female members of the family as against the male members does not seem to me to rest upon sound reason.

In the administration of this law very considerable embarrassment will be experienced.

My observation leads me to the conclusion that, so far as the merits of the individual immigrant are concerned, the test is altogether overestimated. The people...are frequently illiterate because opportunities have been denied them.

So far as industrial conditions are concerned, I think the question has been superficially considered. We need labor....

Furthermore there is a misapprehension as to the character of the people who come over here to remain.

I am persuaded that this provision of the bill is in principle of very great consequence, and that it is based upon a fallacy in undertaking to apply a test which is not calculated to reach the truth and to find relief from a danger which really does not exist. This provision of the bill is new, and it is radical. It goes to the heart of the measure. It does not permit of compromise....⁸

Public opinion concerning the veto was divided. The bill was strongly endorsed by the American Federation of Labor, a stand which was in conformity with long established labor views. Newspapers, such as the Boston Tren-

⁸ Congressional Record, 62 Cong., 3 Sess., p. 3156, and pp. 3269-3270.

script, Boston Journal, and the New York Tribune criticized the veto, while the New York Times upheld it.

There is [said one writer] much opposition throughout the country to the literacy test, and the opposition is not confined to employers of labor who need muscle and endurance. Social workers, immigrant protective leagues, educators and moralists, deep students of the economic effects of immigration, are among the opponents of the test.

"Literacy," remarks the New York Times, "is no better as a test of intelligence than it is of morality"

The restrictionists were not willing to abide by the President's judgment. They introduced a bill which contained another literacy test. It was passed by Congress and vetoed by President Wilson, who followed precedent in giving the customary reasons for his actions. In addition, he said:

Moreover, even if this test might be equitably insisted on, one of the exceptions proposed to its application involves a provision which might lead to very delicate and hazardous diplomatic situations. The bill exempts from the operation of the literacy test "all aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Labor that they are seeking admission to the United States to avoid religious persecution in the country of their last permanent residence, whether such persecution be evidenced by overt acts or by laws or governmental regulations that discriminate against the alien or the race to which he belongs because of his religious faith." Such a provision, so applied and

9 "The Admission of Illiterates," in The Literary Digest, Vol. XLVI (Mar. 1, 1913), p. 443.

administered, would oblige the officer concerned in to pass judgment upon the laws and practices of a foreign government and declare that they did or did not constitute religious persecution. This would, to say the least, be a most invidious function for any administrative officer of this Government to perform, and it is not only possible but probable that very serious questions of international justice and comity would arise between this Government and the government or governments thus officially condemned should its exercise be attempted.¹⁰

People thought the three vetoes of the literacy tests would be enough to defeat it permanently. The proponents of the test, and especially of restriction, were actively organizing opposition to the veto. A writer in the Literary Digest reviewed the developments as follows:

...the third strike in this particular national game is not necessarily an "out." For we note in the Washington dispatches that an attempt is being made to get together votes sufficient to pass the bill over the Presidential veto, an effort whose hope of success is based on the fact that this bill lacked only one vote of two-thirds when passed by the House of Representatives and that only seven Senators voted against it in the Upper House. In New York...the newspapers all seem to agree with President Wilson.¹¹

In 1917, the bill was passed over the President's veto. The strong vote of more than two-thirds in the Senate was

¹⁰ Congressional Record, 64 Cong., 2 Sess., pp. 2212-2213.

¹¹ "The Literacy Test's 'Third Strike,' in The Literary Digest, Vol. L (February 6, 1915), p. 232.

striking evidence of the strong sentiment in Congress and in the country for the restriction of immigration.¹² The literacy test proved to be the entaring wedge for rigid regulation, for it was followed by agitations for drastic restrictive measures.¹³

Labor organizations had no small part in securing the literacy test, not because they desired a better type of immigrant but because they wished less competition. John Chetwood Jr. was speaking for labor when he stated:

Let us take, for example, the 100,000 illiterates aimed at by the late bill. The well-meaning, short-sighted clergymen, the kindhearted, impulsive philanthropist, would admit them all "to give them a chance to better their condition." To be just, these well-meaning but misguided men often go further, and give freely of their time and money to the newcomers. But they are blind to the fact that in helping the 100,000 into the country to get work, they are adding to the 2,000,000 of their own idle countrymen, and thereby rendering the latter more hopeless and despairing, and some of them more menacing in their attitude to the clergymen and philanthropist.¹⁴

As early as the first part of the twentieth century laborers and their unions were agitating for a restriction

¹³ George M. Stephenson, A History of American Immigration (New York, c. 1926), p. 169.

¹⁴ Chetwood, loc. cit., pp. 798-799.

of immigration. They maintained that they wished to establish upon a firm basis the American spirit of enterprise and industrial progress. They feared that immigration would develop social and political dangers.¹⁵

On the other hand the employers and their organizations had always been against the restriction of immigration, chiefly because of the fact that it would cut off their supply of cheap labor. Neither the laborers nor employers were considering the question according to the best interest of the nation but in respect to their own benefits. Edith Abbot has summarized the arguments of both sides in a brief and concise manner:

Employers who were opponents of the immigration law, were saying, "Because of high wages in the United States we cannot compete with low-wage European and Asiatic industries and we will lose our foreign markets." Labor's answer is, "The home market has been, is now, and always will be the best market for American-made goods.... If American industrialists will give the workers... the highest possible wages, the producers will be the best consumers."¹⁶

In the early 1920's the public began to think in terms of the restriction of immigration. They were not concerned about the method, but they wanted results--quickly, with

¹⁵ J. W. Jenks and W. J. Lauck, The Immigration Problem (New York, 1922), p. 211.

¹⁶ Edith Abbot, "Immigration Restriction--Economic Results and Prospects," in American Economic Review, Vol. XVII (March, 1927), p. 130.

as greet an element of selection as possible. A number of Americans had studied the problem from its source and they predicted a deluge of immigration which would place American ideals, institutions, and standard of living in grave danger.¹⁷

The public began to discuss the merits of various forms of restriction. Many felt that it was not right to make any radical departures from the established policy or absence of an established policy. Debates sounded in the halls of Congress on both sides of the much discussed question. Gradually discussion was limited to the merits or demerits of the percentage plan of restriction. Isaac Siegel, a representative from New York and a member of the Committee on Immigration, sounded the views of the minority in the House of Representatives when he said:

Every American citizen must condemn the adoption of a 3 per cent method based upon the census of 1910, and the President, I feel confident, knowing of the loyalty, devotion, and patriotism of the millions of men and women who have heretofore come into America, helping to make this country larger, bigger, and more prosperous, will look at this legislation in a different light, unmoved by those forces of prejudices and undeterred from performing that duty which is his under the Constitution.¹⁸

¹⁷ Stephenson, op. cit., p. 172.

¹⁸ Congressional Record, 66 Cong., 3 Sess., p. 3969.

The fact was obvious that the weak, unambitious type of new immigrants, mostly from the southern parts of Europe, were coming to improve only their economic status.¹⁹ They were attempting to leave the ravages of the World War behind and seek America, "the land of promise."

In May, 1921, Congress made a radical departure from the traditional immigration policy and complied with the wishes of the majority of the people of the United States in passing the first quota act, to which President Harding placed his signature. It was to remain in force until June 30, 1922.²⁰ It was a makeshift, emergency measure, of a temporary nature, passed to stem the tide of intended immigrants from the old countries.²¹

A summary of the main provisions of the act follows:

Section 2 (a) That the number of aliens of any nationality who may be admitted under the immigration laws to the United States in any fiscal year shall be limited to 3 per centum of the number of foreign-born persons of such nationality resident in the United States as determined by the United States census of 1910. This provision shall not apply to the following, and they shall not be counted in reckoning any of the percentage limits provided in this act:... (5) aliens from countries, immigration, from which is

¹⁹ Lawrence Guy Brown, Immigration Cultural Conflicts and Social Adjustments (New York, 1933), p. 173.

²⁰ Stephenson, op. cit., p. 180.

²¹ Roy L. Garis, Immigration Restriction (New York c. 1927), p. 142.

regulated in ... treaties or agreements...; (6) aliens from the so-called Asiatic barred zone...; (7) aliens who have resided continuously for at least one year immediately preceding the time of their application for admission to the United States in the Dominion of Canada, Newfoundland, the Republic of Cuba, the Republic of Mexico, countries of Central and South America, or adjacent islands; or (8) aliens under the age of eighteen who are children of citizens of the United States.

(b) For the purpose of this Act nationality shall be determined by country of birth....²²

Thus the new principle of percentage limitation was inaugurated. Its effect upon public opinion, not only in America, but also in other countries was tremendous.

People discussed all angles of the problem. Congressmen offered new theories and made new proposals. Throughout it all, the act was accomplishing the main purpose for which it was intended.²³

The application of the quota system, coming as it did without any warning to those intending to immigrate or to their relatives in America and without proper forethought in Congress, caused many unnecessary hardships. When the new quotas were announced a number of ships carrying passengers who were inadmissible had already left Europe. No means had been devised to ascertain the number of the

²² Statutes at Large of the United States of America (Washington, 1923), Vol. XLII, part 1, p. 5.

²³ Caris, op. cit., p. 150.

various nationalities who were embarking at the various ports.²⁴ This caused a number of deportations and necessitated tragic separations of families.

The case of an ex-official of Monrovia, Liberia, was quite interesting as well as amusing. The month's quota for his country was nearly exhausted. An allotment of only one-half of one person remained. The official could not successfully be cut in half; he conformed in other respects to the requirements of the immigration laws; and so, after due deliberation, it was decided that he be admitted, the remaining half of him to be charged to the following month's quota.²⁵

Isaac Siegel told of an instance of cruelty in the enforcement of the immigration laws that was typical of many of the cases.

Frede Berman is 10 years old. Her father, Jacob Berman, a tailor at 50 West Ninety-first Street, came to this country seven years ago, intending to bring his wife and child here as soon as he settled. The war broke out and most of the people of Poland became refugees. He was notified that his wife and child were dead. Nevertheless, he was successful a short time ago in finding them. He immediately sent the money to bring them to this country.

His wife died on the eve of sailing and the ten-year-old daughter came over alone. She has not a relative in Poland. But she was ordered to be deported

²⁴ New York Times, June 10, 1921.

²⁵ Viola I. Paradise, "Three Per Cent," in Harpers Monthly Magazine, Vol. CXLIV (March, 1922), p. 505.

on the ground that the quota was filled.²⁶

Case after case proved to be as tragic as this one.

Many of them were much worse. In one romantic instance it was related that:

Her name is Penelope; she is shy and attractive. She is coming to her intended husband, who works in a restaurant in New Haven. She is questioned. Yes, she has known him since childhood. (An inspector turns to me to explain that many Greek women have been coming recently to marry men they have never seen.) She is told to sit down. A guard goes to the witness room and comes back with the man. He is beaming with anticipation; he has no doubts as to the outcome. He has been in America a year....

"Why are you here?" he is asked.

"I'm engaged with a girl."

The girl is called. "Is this the Man?" she is asked. She blushes, nods. He reaches out his hand and gives her left hand a secret hasty shake.

"When are you planning to get married?" she is asked.

She looks down. It is not for a well-mannered Greek girl to say. Her Fiancé speaks up. "In two weeks."

"Would you be willing to marry her to-day? Right now?"

She looks hastily, deprecatingly, down at her dress, but is willing. She is admitted....²⁷

Not infrequently, whole families were ordered deported families who had sold their scant belongings in Europe and invested the proceeds in the trip across.²⁸ In other cases a part of the family was detained or ordered deported. An

²⁶ New York Times, September 13, 1921.

²⁷ Paradise, loc. cit., p. 512.

²⁸ New York Times, May 31, 1922.

example of this type of cruelty occurred in the first part of January, 1922. The law barred four children, but admitted their mother. The children were excluded because of the fact that they were born in Austrelie end thet quota was full.²⁹ Their father was waiting et his home in Californie for the femily. The worst of the situation was that the American Consul, et London, hed told the mother they would not heve the slightest difficulty in entering the country.³⁰ The four children were finally admitted as students.³¹

In most cses, with the slightest of excuse, the prospective immigrants were excluded, the motto of the immigration service being "When in doubt deport."

"It is a terrible thing to see a boatload of immigrants about to be deported," said the Commissioner et Ellis Island. "No one can picture the scenes of anguish we see et this port. Sometimes we have to carry people on board hysterical, shrieking, threatening to jump overboard. Only recently we had difficulty in keeping two women from throwing their babies overboard. They said death was preferable to the lives these children would have to lead back in their old country."³²

Reports of such occurrences soon aroused public sentiment. People were attempting to blame some department of the government of the United Stetes for these intolerable

²⁹ Ibid., January 5, 1922.

³⁰ Ibid.

³¹ Ibid., January 6, 1922.

³² Paradise, loc. cit., p. 512.

situations and the letter in turn placed the responsibility on the steamship companies.³³ For example Isaac Siegel wrote a letter to President Harding, in which, he complained of cruelty in the enforcement of the immigration laws.³⁴ In President Harding's reply he said, the situation must be charged to dishonest steamship agents who had brought to this country innocent immigrants in spite of continued warnings during "the period of very great leniency."³⁵ The last clause of this statement is of doubtful accuracy. A contributor to The North American Review pointed out that immense confusion resulted when American officials had but a few days to compile quotas, and prepare instructions which reached consular agents and steamship lines but one day before the law became effective. Furthermore the Department of Labor and the Department of State were disputing as to which one was responsible for transmitting information concerning total quotas and other matters connected with the installation of the quota system.³⁶ Nevertheless the steamship companies realized the intolerable situation and should-

³³ Francis Kellor, "Humanizing the Immigration Law," in The North American Review, Vol. CCXVII (June, 1923), pp. 770-771.

³⁴ New York Times, September 13, 1921.

³⁵ Ibid.

³⁶ Kellor, loc. cit., p. 771.

dered many of the responsibilities themselves. In the end they proposed a registration system at the ports of embarkation. The plan did not work out successfully, because a number of the lines would not cooperate.³⁷

A considerable amount of complaining was done about the avarice of transportation companies, but that was unwise, for they and everyone concerned figured on the official action which was likely to happen, and not on what the law said should happen.³⁸ Ships carrying immigrants from small-quota countries would lie just outside of the harbor, and on the stroke of midnight on the first day of the month, would dash to quarantine. The ship or ships that won the race had the privilege of landing its immigrants first.³⁹ Thus a steamship race often determined the citizenship of the immigrants.

The aroused public opinion was taking shape in discussions, enlightened as it was by the immediate effects of the three-per-cent law. Many pitiful stories of the hardships worked by the new law were circulated with the intention of discrediting the law.⁴⁰ Some people thought that restric-

³⁷ Ibid., pp. 771-772.

³⁸ Victor Stafford, Immigration Problems (New York, 1925), p. 237.

³⁹ Paradise, loc. cit., p. 505.

⁴⁰ New York Times, September 14, 1921.

tion was wrong. There was a long established custom of referring to free immigration as the "broad" or "liberal" policy and to restriction as "narrow" and "illiberal." The currency and acceptance of these designations put a special handicap upon the advocates of restriction, compelling them to accept the burden of proof and to bear the onus of opposing a "liberal" principle.⁴¹ An Oklahoma University Bulletin on the "Restriction of Immigration," indicated the great significance of past migrations in history and pointed out that the policy of restriction might cause the United States to perish. For instance:

Migration has played an immensely important part in human progress. The emigration of Abraham was the beginning of a very great era in the development of humanity. Restricted immigration would have kept him at home. Migration to Egypt saved Israel from starvation, and trained [sic] them in the ways of the world's greatest civilization at that time. It was the Dorian migration that gave the world ancient Greece. It was the Norse migration that gave us Europe, whose history until very recently has been the history of civilization. To stop migration is to fatally interfere with the workings of the natural laws of human progress. One of the surest causes of degeneration is "inbreeding." A nation which excludes foreign [sic] blood perishes as miserably as grains of stock shut up to inbreeding in the same way. It was a lesson which even the royal families of Europe had to learn and to practice to save

⁴¹ Henry Pratt Fairchild, Immigration, A World Movement and its American Significance (New York, Rev. ed. 1925), p. 449.

1

their thrones from imbeciles. Migration has been the most tremendous [sic] stimulus in the whole history of human development. Immigrants are indispensable to us. They are now doing: Two-thirds of our coal mining; Three-fourths of the labor in woolen mills; Nine-tenths of the labor in cotton mills; They are making more than nine-tenths of our clothes; More than half of our shoes; Four-fifths of our furniture; Four-fifths of our leather. It is claimed that we have millions of acres of unimproved land and that we need all the immigrants we can get in order to improve it but that all the present immigration goes to the cities where it is not needed and refuses to engage in agriculture. But how can immigrants buy farms, stock them, and live for several years till they begin to be productive? Why exclude them for not doing the utterly impossible?⁴²

The restrictionists, with confidence, turned the tables on their opponents, and demonstrated that the policy of free immigration would be a short-sighted policy, resting more on a superficial, sentimental humanitarianism than upon a really broad outlook and a clear vision of facts. Unrestricted immigration, they pointed out, would damage the standards of living and the citizenship of the American people. It would weaken the national vitality and solidarity, and injure mankind at large.⁴³

It was the general opinion, expressed by the officials at Ellis Island, practically all of whom were firm believers in the restriction of immigration, that the new law had in

⁴² Joseph Whitefield Sroog, ed., "Restriction of Immigration." Oklahoma University Bulletin, no. 250., Extension no. 73 (Norman, Okla., n.d.), p. 1.

⁴³ Fairchild, op. cit., p. 449.

20

no way improved the quality of immigration.⁴⁴ The practicality of the measure was then questioned and discussed. Some of the proponents of immigration pointed out that the immigrant helped national prosperity by his per capita consumption, while others stated that there were no good grounds for such an assumption.⁴⁵

Frequently it was practically impossible to explain satisfactorily the intricacies of the quota law to a deported peasant. He paid for a visa in good faith thinking that it was genuine. The experiences of these dezed, rejected people, may in time, it was pointed out, affect the point of view of their own countries and the attitude of those countries toward America.⁴⁶ This was a more or less practical factor in international relations to be taken into consideration.

The very basis of the quota policy was attacked. Society questioned the desirability of the percentage act. It was shown that the act was not fundamentally sound or humane, as it sapped the very foundations of civilized society.⁴⁷

Gradually, however, partly because of the repeated and

⁴⁴ Paradise, loc. cit., p. 507.

⁴⁵ Fairchild, op. cit., p. 445.

⁴⁶ Paradise, loc. cit., p. 21 (quoted from the Okla. University Bulletin., no. 250., Extension no. 73 (Norman, Oklahoma, n. d.), p. 21.

⁴⁷ Kellor, loc. cit., p. 784.

insistent warnings of special observers, and partly because of the increasing conspicuousness of the phenomena themselves, a new sentiment toward the restriction of immigration was built up. This consisted in a realization of the danger inherent in unlimited numbers of foreigners, and expressed itself in a demand for positive, numerical restriction.⁴⁸ This, in brief, expresses the general reaction of the public to the desirability of the quota policy.

Little attention was paid by foreign governments to the new American policy. Elizabeth Clark, who for nearly a year had been closely in touch with migrating conditions in Central Europe, stated that individual cases of deportation did not give rise to any pronounced feeling of resentment abroad.⁴⁹ One would naturally expect a deported alien to feel resentful toward the country to which perhaps he was encouraged to migrate; but, as a whole, individual criticism was directed more toward Ellis Island than toward the policy in general. In one instance, however, Stephen Graham, an English traveler, commented on the method of turning back immigrants. He pointed out that there was a few

⁴⁸ Feirchild, op. cit., p. 382.

⁴⁹ New York Times, October 1, 1922.

in the American immigration policy, which in his mind, was incompatible with America's "big brother love" toward Europe and that splendid Hooverism which had swept the states in 1921. The flaw lay not so much in turning the immigrants back, but in turning them back at the wrong point in their journey.⁵⁰

A Jewish speaker, in remarking about the policy, said that in former days the pogromized Jews turned to America, but now a discouraging fate confronted them, since America had adopted a harsh policy, which in its operation had been cruel beyond description.⁵¹

A direct and unprejudiced way to secure the opinions of foreigners in respect to immigration policies is to read their views as they were expressed in their own foreign language presses, rather than in American newspapers. Some of the remarks were given in an article in The Literary Digest. The Tacoma Tidende, a Norwegian-Danish organ, remarked rather bitterly that instead of damning the foreigner, Americans should get acquainted with him. It went on to confess that the United States really has such a thing now as a national

⁵⁰ New York Times, August 7, 1921.

⁵¹ Ibid., January 16, 1922.

23

goat, and that goat is the alien. It remarked that every ailment of society could be blamed on the foreigner. The Gazette van Detroit, a Belgian weekly, did not speak in as acrid a tone. It stated that the Belgians did not favor any legislation stopping immigration, but all existing laws should be rigidly enforced in order to exclude the undesirable immigrants. The Vienybe, a representative of Lithuanian thought, suggested that a study of history would bring out the fact that the assimilation of nationalities was never attained by force, but in a natural way. It stated, that millions of foreign-born people already had been transformed into honest and loyal citizens of the land, and no force had been employed in that historical task. Why seek now some new ways for that task, and draw such disgrace upon the most democratic nation of the world by reverting to the most unholy methods of Russian Czarism, or of German Kaiserism?⁵² The Finnish press looked at the situation purely from the American standpoint, when it stated that the impending exodus from Europe would be disastrous to the United States.⁵³ The Ukrainian Triweekly, stated that it

⁵² "Our Foreign-Language Press on Immigration," in The Literary Digest, Vol. LXIX (May 28, 1921), p. 55.

⁵³ Ibid., p. 48.

wished all the poverty-stricken and oppressed people of the world could find a haven, a place to work, and to make a living in the United States.⁵⁴ Lastly it may be noted that a Polish daily believed that the United States was not overpopulated and consequently should not limit the immigration of healthy and sane whites.⁵⁵

A large number of the immigrants who entered the United States, had some experiences at the great immigrant receiving station, Ellis Island. Consequently, a treatment of the effects of the first quota act would be far from complete without an account of the experiences, complaints, and recommendations which originated at Ellis Island.

In his book on immigration, Lawrence Guy Brown, relates the procedure which is followed when immigrants land. He says:

When a shipload of immigrants reaches the port, it is visited at once by quarantine officials. The cabin passengers who pass the initial inspection are landed at once; the steerage passengers go to Ellis Island and are under the supervision of the officers of the Immigration Bureau.

The regular procedure includes a medical examination by United States Public Health doctors and officials from the Marine Hospital. Then non-physical tests through questions are given to comply with other postulates in the statutes for the control of immigration.

⁵⁴ Ibid., p. 60.

⁵⁵ Ibid., p. 56.

25

If the applicant passes these two examinations he is allowed to enter the United States.

If he has failed these examinations, he still has the privilege of appearing before a special board of inquiry. A member of the board who does not agree with the findings may make an appeal for the alien in some instances or the alien may do it for himself. The appeals go to the Secretary of Commerce and Labor who has the power to give final decision.⁵⁶

An American vice consul used to say that these immigrants had to be "dug out," because they were so dirty and unkempt. The washing and trimming up of the men and women was so thorough that wives had difficulty in recognizing their husbands when they met again in the reception hall.⁵⁷ The author does not mean to imply that the immigrant receiving station was a desirable place. It was far from that. It was charged, in a report widely circulated by the Newspaper Enterprise Association, that the facilities at Ellis Island were inadequate and the treatment administered there outrageous. The report declared that immigrants were herded like cattle in the ill-ventilated, fetid detention-room.⁵⁸ In respect to this particular point in the report, a Swedish author tells why the immigrant might get the wrong impression of America. Esther Nordstrom said it must be that the worst

⁵⁶ Brown, op. cit., pp. 190-191.

⁵⁷ New York Times, July 8, 1934.

⁵⁸ "Making the Immigrant Unwelcome," in The Literary Digest, Vol. LXIX (April 30, 1921), p. 34.

kind of Americans were in charge at Ellis Island, because they treated the incoming foreigners as though they were animals. They shoved them and swore at them, an attitude, which in her estimation, was not at all typical of America.⁵⁹

Reverting to the report, some of the other charges were that there were no separate quarters provided for mothers with babies. Vermin were crawling on the walls and floors of the detention room and in the dormitories. Immigrants were forced to sleep indiscriminately two in a bed or on the floors. There were only 1,100 beds and the overnight population usually ranged from 2,000 to 3,000 and often as high as 4,500. Should an immigrant be fortunate in securing a bed, he would have only a blanket spread over a strip of steel to sleep on. Lavatories and bathing facilities were so inadequate that they were a menace to health. The water pressure on the upper floors was inadequate against fire. In many cases immigrants were forced to wait weeks, because affidavits and even money sent by their relatives had been lost.⁶⁰

To these charges might be added the interference of

⁵⁹ New York Times, July 19, 1922.

⁶⁰ Ibid., p. 34.

politicians and attorneys. Robert E. Tod, a retired commissioner, who worked twelve hours a day and attempted to render good public service, said that the politicians and attorneys were making mockery of the Immigration Laws. He said that he left his position because he could not stand the torments any longer.⁶¹ If the activities were a torment to the commissioner, they must have had a dire effect upon the immigrants.

There were many accounts of discourteous treatment received at Ellis Island. Some of these may be related in part to illustrate the reasons both for the complaints made against Ellis Island and against our policies in general, and for the recommendations which were made to improve the service.

A Scotch engineer and his wife were detained at Ellis Island, because the work that he was coming over here to perform was in the nature of contract labor. While waiting for the result of his appeal the engineer said that he was assigned with thirty-five other men to a sleeping room only 25 by 14 feet, and the accommodations were of a character

⁶¹ "The Terrors of Ellis Island," in The Literary Digest, Vol. LXXVIII (July 7, 1923), p. 17.

impossible to describe in print. Bathing accessories, for instance, consisted of a piece of soap and a piece of paper about two feet square to serve as a towel. His wife stated that the accommodations for women were no better. In one of the day rooms there were over 200 women. When the engineer's wife complained to the matron she received this reply: "It's only you English who grumble. Why don't you go back? We don't want You."⁶²

In another case an American family had visited in Australia. Later a young student from Australia was detained at Ellis Island. The Australians had made the American visitors welcome in their country and they could not understand why America assumed the attitude that she did toward visitors from Australia. It was embarrassing and rather difficult for the Americans to explain that the intricate quota system and American Immigration laws treated people from all nations alike.⁶³ At Ellis Island hardships were endured every day. Families were separated. There were cases upon cases of detention and deportation and many people were sent home under the contract labor law.⁶⁴

⁶² New York Times, August 27, 1922.

⁶³ Ibid.

⁶⁴ Brown, op. cit., p. 192.

As a result of the many experiences that these people had, there were many complaints registered against the situation at Ellis Island.⁶⁵ The British complained because they were kept in a cage with people of all nationalities and colors. In many instances, they objected to the harsh treatment received. For example a healthy lace-maker was detained at Ellis Island. While there his family was subjected to criminal treatment. His health was broken and they were sent home with their papers marked, "Likely to become a public charge."⁶⁶ The British declared that the wealthier sort of immigrant might go far to improve the conditions at Ellis Island for the poorer sort. If a man of big business, for instance, should transfer his affairs to the states, he would not care to submit peaceably to having his morals and his bank account rigorously inquired into, and possibly his wife and child taken from him on the ground that they exceeded the quota. Some British editors observed that perhaps it would be easier to lighten the burdens of poorer immigrants if the island were done away with altogether.⁶⁷

There were a number of recommendations made to improve

⁶⁵ Ibid.

⁶⁶ Loc. cit., p. 17.

⁶⁷ "British Criticism of Ellis Island," in The Literary Digest, Vol. LXXVI (July 25, 1925), p. 19.

the immigration service and the conditions at Ellis Island. Perhaps the best, or at least most typical, list of recommendations were those made by an advisory committee of the United States Bureau of Immigration. These recommendations were in part, the following:

An official director of information should be appointed to take entire charge of the welfare work at Ellis Island, such official to be under the immediate direction of the commissioner of immigration of New York.

That interpreters speaking several languages and trained in social work be appointed to serve immigrants pending their inspection and during such time as they are not permitted direct communication with their friends.

That a plan be developed for the systematic exchange of allowed information between immigrants who are detained and their waiting friends.

That women and young children be provided with separate and considerably improved night quarters and that a trained dietitian be placed in charge of the feeding of the children.

That detained immigrants be provided with better laundry facilities.

That the representatives of private welfare organizations who are authorized to carry on work at the station be allowed, under the direction and supervision of the Federal director of information, to aid in general welfare service for immigrants after they have been duly examined.

That three separate religious services, Protestant, Jewish, and Catholic, be held on Sundays....

That when aliens are excluded or deported an explanation of the reason for such action should be given to them and also, when practicable, to their interested relatives and friends.

That pending medical examination immigrants be taken to large and comfortable reception rooms in the main immigration building instead of being held on the barge.

31

That milk and crackers be served to all women and children at meals in the dining room and between meals and at bedtime in the detention quarters. Previously, only the small children had been provided with such food.

That the large room on the ground floor of the main building which is being used as a money exchange and railway ticket office be converted into a day room for detained women and children, such room to be provided with conveniences for the care of the children and to have easy access to an outdoor recreation place fitted up as a playground. That other commodious outside rooms near large porches with a view of the bay be made available as day rooms for other detained immigrants.⁶⁸

The author did not know whether all of these particular recommendations were observed. Ellis Island was by 1930, however, the best equipped and operated immigrant receiving station in the world.⁶⁹

Proposals for a better immigration policy were a part of the many effects of the new quota limitation system. The oversea's inspection of immigrants had been urged for a long time. A news article in 1921 revealed the fact that the budget of the immigration service showed a profit of over a quarter of a million dollars. The article then stated that the need of the service was a system of outposts in the chief ports of embarkation, from which officials could have access to the records of the applicants. This would in part

⁶⁸ Brown, op. cit., pp. 192-193.

⁶⁹ The United States Daily, June 18, 1930.

obviate the serious suffering and loss that are inevitable when immigrants are turned back from American ports.⁷⁰ An Ex-Commissioner of Immigration, likewise, urged that the United States government should conduct a selective examination at the ports of embarkation.⁷¹

These facts indicate that the general public were favoring overseer's examinations. In fact Albert Johnson stated, in one of his speeches to Congress, that the idea was not new, for it had attracted popular attention and applause frequently during the past twenty years or possibly longer. Regardless of how appealing the scheme might be, one great difficulty which would be encountered, would be the necessity of revising many of America's trade and commercial treaties with other nations. He further, stated that surely this step would not be desired by any members of Congress, for the United States must not, even in the slightest degree, let any other country control its immigration.⁷² Representative John C. Box, writing in The Congressional Digest, agreed with Mr. Johnson. He said that such a plan would be undesirable, as it would cause the United States to surren-

⁷⁰ New York Times, December 15, 1921.

⁷¹ Ibid., July 13, 1922.

⁷² Congressional Record, 67 Cong., 2 Sess., p. 12062.

31

der its existing exclusive control of our immigration policy.⁷³ Commenting on the situation, the New York Times, said that even though the plan, which was a part of the program of the incumbent administration, had encountered difficulties in international law, it was good news to know that those difficulties were in a way to be overcome.⁷⁴

Some of the proposals for a better immigration law attacked the 1910 census basis used in the Dillingham Act, creating the quota system. Some proposals were made to reduce the percentage from three to two or one and one-half per cent and base this low percentage upon the 1890 census. Then the use of the 1920 census basis was proposed.⁷⁵ An Italian Ambassador appealed against the use of the 1910 census figures. He implied that the basis discriminated against Italy, since most Italians came to the United States shortly after 1910. He could not see why the United States government could not use the 1920 census figures which were not only known, but published.⁷⁶ Opinion, public and congressional, was directed toward several census bases, but

⁷³ John C. Box, "Shall United States Adopt Policy of Selecting Immigrants Abroad," in The Congressional Digest, Vol. II (July, 1923), p. 323.

⁷⁴ New York Times, May 31, 1922.

⁷⁵ David A. Reed, "Shall We Substitute 5% of 1890 Census for 3% of 1910 Census as Quota Basis?" in The Congressional Digest, Vol. II (July, 1923), p. 303.

⁷⁶ New York Times, April 7, 1922.

gradually attention was centered on those of 1890 and of 1920.

Whenever anything new, like the quota policy for instance, is tried there are those who think they can improve upon the new idea, recommend something better or make proposals for a revision. These suggestions in turn reflect a portion of public sentiment toward the new policy. There were many such reflections expressed in the form of general proposals for its betterment. Some went so far as to propose that the United States government abolish the entire quota limitation idea. A lady suggested, in a letter addressed to the editor of the Hungarian Tribune, that the act of 1921 was absurd in theory and cruel in practice. She said that if the narrow and unreasonable policy be continued, the United States would in less than a generation face an economic crisis of the greatest magnitude. In substantiating this statement she went on to say that the agriculture, industries, and system of transportation in the United States would all be embarrassed to the point of disaster through their inability to find a sufficient number of willing workers.⁷⁷ An honorary president of the Navy League,

⁷⁷ Nicholas Murry Butler, "Should United States Adopt Policy of Selecting Immigrants Abroad?" in The Congressional Digest, Vol. II (July, 1923), p. 312.

took an exactly opposite stand in making a plea for continuing the restriction of immigration. Portions of his speech were:

Some of the captains of industry are shouting to bring more ignorant laborers over here, declared Colonel Thompson. For God's sake, give us a rest until we have had time to assimilate what we have got.

I tell you that I have studied the question with all the strength that is in me. I am an employer of labor. I am in the same box with Judge Gary in finding that it is very difficult for me to get all of the men I want. But I find that I am hampered in trying to carry on my work because my men demand increases of wages which are going to be harmful to them and harmful to the community, because when you continually increase wages that is the most insidious and dangerous form of inflation.

Let us stop that. Let us find some way where men ...can get together and find a scheme that is so absolutely fair to all American citizens that American citizens will agree to live under it and there will be no more attempts to get rich too fast and, I am tempted to say, if you will stop immigration for another ten years, no more grim poverty.⁷⁸

Not taking quite such a vehement stand, a Princeton biologist declared that the intellectual capacity of Americans had been declining and that he favored a stricter immigration law.⁷⁹ Another professor likewise advocated that the United States have not only a stricter mental examination, but also a more rigid physical examination.⁸⁰ A special

⁷⁸ New York Times, April 19, 1923.

⁷⁹ Ibid., January 20, 1922.

⁸⁰ Robert DeC. Ward, "Higher Mental and Physical Standards For Immigrants," in The Scientific Monthly, Vol. XIX (November, 1924), p. 544.

investigator for the President stated that all unfit persons should be barred. She believed that a five-year ban on immigration would be a good thing.⁸¹ Dr. Sidney L. Gulick stated in the New York Times that the American people should learn to live in brotherliness with the many nationalities which Providence was sending to our shores. He said that the United States needed an elastic immigration law to meet the varying economic conditions in this country.⁸² Other people urged a more liberal immigration policy.⁸³ The opinion was sounded again that families should not be separated.⁸⁴ James R. Howard, President of the American Farm Bureau Federation, said that the law was limiting the amount of manual labor in the country and that therefore a revision of the present law was needed.⁸⁵ Alfred E. Smith said that the immigration question must be dealt with on higher grounds than restrictions made merely for economic reasons, that immigration restriction was necessary, and that the country did not have the right sort of national restrictions. He was out of sympathy with the percentage system, because it was absurd and contemptible. The following paragraph is a portion of his speech:

⁸¹ New York Times, March 29, 1922.

⁸² Ibid., February 20, 1922.

⁸³ Ibid., January 27, 1922.

⁸⁴ Ibid., August 25, 1922.

⁸⁵ Ibid., November 23, 1922.

These poor immigrants sell all they have and set forth for the land of their dreams. To them America is like heaven. Perhaps they have selected the fastest ship or the one with the wildest Captain--in any event, they reach Ellis Island. For one reason or another a family is sent back or a family is divided. Not at the Day of Judgment will there be more terrible partings than take place at Ellis Island.⁸⁶

Mr. Smith then went on to suggest a solution to the problem. To him it did not seem difficult. He suggested that the officials do their work overseas; That the examination be of a comprehensive physical, mental, moral, and vocational type; That the immigrants then be allocated according to the industrial or professional preparation or training. He considered it absurd to permit 87 per cent of all immigrants to enter America through the port of New York.⁸⁷

In 1922, the steamship companies, which had shouldered a part of the burden of controlling the embarkation of intended immigrants, held a conference at Brussels for the improving of the administration of the three-per-cent law. Some of the recommendations which they sent to the Chairman of the House Committee were that quotas should be controlled from departures at the ports of embarkation; American Consuls should issue identification certificates to aliens; and

⁸⁶ Ibid., November 17, 1922.

⁸⁷ Ibid.

the separation of families should be prevented by charging the nationality of the wife and children to the country of the father's birth.⁸⁸

It was the firm conviction of some people that the temporary immigration policy would have to be radically changed in order to become permanent. They had realized all along that a system of selection rather than one of restriction was the goal for which they were striving. The difficulty lay in the fact that a permanent plan of selection would require the services of officials abroad and that would be difficult to arrange with the countries involved. Francis H. Sisson, Vice-President of the Guaranty Trust Company, New York, stated in a speech that the United States must find the means to accomplish the efficient economic assimilation of immigrants. Therefore, any constructive legislation must deal more with selection than with restriction.⁸⁹ James J. Davis, Secretary of Labor under President Harding, was also a firm believer in a permanent policy of selection. He declared that good immigrant stock had played an important part in the upbuilding of America. If officials were stationed abroad, they should

⁸⁸ Keller, *loc. cit.*, p. 782.

⁸⁹ Francis H. Sisson, *A Construction Immigration Policy*. This was taken from an address given at Columbia University, New York City, February 16, 1921.

give a blood, physical, mental, and a character test to all applicants. Immigrants of a constructive type should be welcomed and helped in the process of assimilation.⁹⁰

Commenting on the immigration situation, Albert E. Johnson stated in the New York Times that, hearings would be held at the beginning of the winter session with a view to the final preparation of a bill which would correct the first quota act, further restrict the immigration of undesirables, avoid the splitting of immediate families, increase the mental and health test, and carry a clause denying permanent residence to aliens not eligible to citizenship. He said the country desired that type of a bill and that the House would vote for it.⁹¹

Regardless of its temporary character and the many proposals for the betterment of the immigration policy, the quota bill of 1921 was really an epoch-making piece of legislation. It was the first measure placed upon the statute books in which the principle of genuine restriction was openly and directly recognized.⁹²

This restrictive policy was slow in forming because of the inevitable lag between opinion and legislation in demo-

⁹⁰ Congressional Record, 67 Cong., 2 Sess., p. 12062.

⁹¹ New York Times, November 25, 1922.

⁹² Fairchild, op. cit., p. 456.

cratic countries. In addition to this there was the influence of a very widespread and powerful body of opinion and sentiment positively opposed to restriction.⁹³

The quota act limited the number of immigrants to about one-half of the pre-war annual level which occasionally exceeded one million persons.⁹⁴ Another advantageous feature of the act was the fact that it tended to restrict the immigration from Southern and Eastern Europe.⁹⁵

Discussing immigration in the New York Times Albert E. Johnson, stated that Congress would probably continue the three-per-cent law, at least, until a better act was passed. Numerous amendments would be needed in order to make the law more humane. He likewise implied that most of the protests were coming from the steamship lines and the foreign language press, even though the three per cent law did end the asylum idea as far as America was concerned.⁹⁶ As he predicted, the life of the quota act was extended, with little change, to July 1, 1924, thereby giving Congress a much needed opportunity to work out a more permanent plan.⁹⁷

Henry Pratt Fairchild says, in his book on Immigration:

⁹³ Ibid., p. 434.

⁹⁴ The Conference Board Bulletin, No. 3. National Industrial Conference Board, Inc., 247 Park Avenue, New York, N. Y., March, 1927.

⁹⁵ Caris, op. cit., pp. 150-151.

⁹⁶ New York Times, February 2, 1922.

⁹⁷ Caris, op. cit., p. 142.

Thus was built up the great American...immigration law, a law which perhaps has influenced the potential destinies of a larger number of human individuals, both in its immediate application and in its effect upon the statutes of other countries, than any other piece of legislation ever enacted.⁹⁸

⁹⁸ Fairchild, op. cit., p. 126.

II. PUBLIC OPINION AND THE 1890 CENSUS AS A BASIS

While the public discussed, Congress worked upon a more permanent immigration policy. Finally, it focused its sole attention on one of the proposals. This plan was designed to decrease the percentage and base it upon the 1890 census. The bill, however, did not have the whole-hearted support of all the members of Congress nor the country at large. Some of the defects were that the period fixed for the expiration of the immigration visa was too short, the consular officer had too much power, an applicant might not be physically able to speak and would be excluded since he must be able to read, write, and speak. If the applicant had previously been in prison, even for political reasons, he would be barred. Every immigrant was required to collect and furnish copies of his various records, which it was pointed out would be impossible for many immigrants to do. Most of the immigrants would have to enter during the winter months, because the bill stated that in any one calendar month no more immigration certificates than ten per cent of the quota of each nationality should be issued.

Lastly the opponents of the measure pointed out that the United States could not afford to write a doctrine of race equality into the law. A number of organizations opposed the proposed bill, some of which were rather prominent ones. But for the most part they were what their names indicated, immigrant organizations.¹

It is always necessary to distinguish carefully between the opposition which comes from the general public and that which comes from carefully organized propaganda spread by immigrant groups. The opponents of the bill tried a number of schemes to defeat it. One of these was to amend the bill so as to permit all children, parents, and other relatives to enter as non-quota immigrants. Their purpose was to do away with restriction by loading the bill with the so-called "humane" provisions. All of their schemes failed,² and the Johnson bill, or the Immigration Act of 1924, as it was called, was adopted on May 26, 1924.³

The restriction of immigration by means of a quota limitation, which had caused many hardships during the past three years, thus became a definite national policy. The

¹ House of Representatives, Report No. 1027, 70 Cong., 1 Sess., 1924.

² Garis, Immigration Restriction, p. 174.

³ The Statutes at Large of the United States of America (Washington, 1925), Vol. XLIII, p. 153.

new law remedied some of the defects of the first Quota Act. It presented the law of 1917 as the basic immigration act; retained the principle of numerical "quota" limitations, as laid down in the Act of 1921; changed the quota basis from the census of 1910 to that of 1890 and reduced the percentage admissible in a year from three to two per cent; provided a method of selection of immigrants at the source; carried numerous administrative features designed to lessen hardships on individual immigrants; excluded all persons ineligible to become citizens under our naturalization laws; and provided a "non-quota" class, which included unmarried children under eighteen and parents over fifty-five years of age, husbands and wives of United States citizens, immigrants arriving from visits abroad, persons who have resided continuously at least two years in Canada, Mexico, Cuba, and countries in Central and South America or adjacent islands, clergymen, members of the learned professions, certain skilled laborers, and bona fide students.⁴

The hearings and debates on the bill revealed the fact that a large majority of the American people, irrespective

⁴ Statutes at Large of the United States of America (Washington, 1925), Vol. XLIX, part 1, p. 157, p. 159, pp. 160-161, and p. 166.

of racial origin, accepted the restriction of immigration as a social and political necessity.⁵ In the estimation of Martha Ragsdale, the act of 1924 provided for a better type of immigrant. Since the census basis was that of 1890, the immigration conformed more to the national origins. It decreased the immigration from southern and eastern Europe.⁶ An author who favored the law stated that it was necessary to do this, as the immigrants from eastern and southern Europe were a different type of immigrant and could not easily be assimilated into American society. He went on to say that the public in general was satisfied with this portion of the immigration law.⁷

One of the most constructive features of the law was the provision for a form of examination overseas. A number of prominent people had advocated such an examination for nearly a century, but it was not deemed practical until the very last.⁸

The act of 1924 was full of humane provisions. Roy L. Garis said that the separations of families were to a large extent eliminated.⁹ The phrase "to a large extent" is

⁵ Stephenson, A History of American Immigration (New York c. 1926), p. 191.

⁶ Martha Ragsdale, The National Origins Plan of Immigration Restriction (Nashville, Tennessee c. 1923), pp. 14-15.

⁷ Garis, op. cit., p. 263.

⁸ Ibid., p. 184.

⁹ Ibid., p. 174.

questionable because families were still divided, homes were broken up, and their cherished hopes were blasted. In proving his statement he asserted that since the plan of the issuance of immigration visas was used, an immigrant could learn before he embarked whether his family could be admitted.¹⁰ Another humane provision was the one enabling an alien then in this country to leave on a temporary visit and return exempt from the quota provisions.¹¹ Under the new law, there were few exemptions from the quota, but those were considerably abused. For instance persons entering as visitors tended to remain as such indefinitely. Students became workers. Female "students" who entered as such and married American citizens at once became a problem. In those cases the offices of matrimony had been invoked to perpetrate an evasion of the quota provisions of the law.¹²

The act of 1924 provided for a more permanent policy, since it corrected a number of imperfections of the first Quota Act. One of which included the racing of steamships across the Atlantic. This was accomplished by providing for the issuance of a limited number of immigration visas

¹⁰ Ibid., p. 174.

¹¹ Ibid., p. 177.

¹² J. A. Fluckey, "Federal Immigration Legislation and its Administration," in National Conference of Social Work, Vol. LIII, p. 57.

for each country.

George M. Stephenson, in his History of American Immigration, tells of the significance of the Johnson Act:

When the Congress of the United States enacted the immigration law of 1924, it closed a momentous chapter in American and European history, and indeed in world history. The operation of forces which brought to the great western republic within the span of a century some thirty million people of various languages and of diverse customs, traditions, and ideals, the great bulk of whom remained to share the opportunities of the adopted country, is in itself worthy of study by those who seek to understand the events which shape the destiny of nations and determine the fortunes of individuals.¹³

The new act was far from ideal. It had to be perfected by years of experience and long suffering. Investigations showed that many aliens should have brought their families with them, in view of probable difficulties in securing admission under the quotas. Some aliens came to work and save enough to send for their families later.¹⁴ James J. Davis expressed a similar opinion, saying that humanity demands that our immigration law should not operate to keep husband and wife, brothers and sisters, or parents and children apart. He also considered an economic aspect to this question. Aliens who were unable to bring their fam-

¹³ Ibid., p. 3.

¹⁴ Garis, op. cit., p. 174-175.

illies over were forced to send American money out of the country to support the family abroad.¹⁵ The non-citizen resident of the United States who went abroad before July 1, 1924, with passports properly visased was unfortunate in most cases in not being able to return. The rigors of the law practically cut off aged parents from the homes of their grown children. Furthermore the congregating of would-be emigrants in consular cities overseas, produced new problems there.¹⁶

A lecturer speaking before the Foreign Commerce Club, said that immigrants, must be admitted because they would add to the population and thus increase the productive capacity of America and the domestic markets.¹⁷ Perhaps the speaker desired to be agreeable in this instance, however, immigrants amply paid and encouraged to spend their earnings here, would accomplish this goal. Nevertheless some of the United States citizens attacked the policy on the ground that it discriminated. LeBaron B. Colt, stated in some hearings before a Senate Committee that the 1890 census basis would be unjust, discriminatory, and unfair

¹⁵ Garis, op. cit., p. 175.

¹⁶ Edith Terry Bremer, "How the Immigration Law Works," in The Survey, Vol. LIII (January, 1925), p. 443.

¹⁷ New York Times, March 19, 1925.

41
toward other nations.¹⁸ Representative-elect F. H. LaGuardia, who, let it be remembered is an Italian by birth, sent a letter to Representative Frank W. Mondell, majority floor leader of the House, in which he stated the following:

This...law is no doubt the result of an alliance between the bigoted and narrow-minded, nursing religious and racial hatreds, and the British steamship companies. Such a change would immediately throw a large passenger trade to the Northern ports now entirely controlled by the British steamship companies. With the present make up of the Department of Labor, susceptible to British influences, it can readily be seen how the mathematics of the bill was worked out in order to bring about the desired result.¹⁹

A writer stated that the difficulty with the act of 1924 was that it attempted to mix politics and logic. By reducing the percentage from three to two per cent as based upon the 1890 census figures, we had immigration restriction on a basis that kept eastern Europeans out and let western Europeans in at judicious intervals, which was politically right. The writer went on to say that the plan was arbitrary, and illogical, but effective. So in a luckless moment Congress tried to have it both ways. The 1890 Census quotas were to be superseded in 1927 by a new and more reasonable plan. The quotas were to be based on the national origin of

¹⁸ LeBaron B. Colt, "Shall We Substitute 5% of 1890 Census, as Quota Basis?" in The Congressional Digest, Vol. II (July, 1923), p. 303.

¹⁹ New York Times, February 25, 1923.

the inhabitants of the United States in 1920. It was logical, whether it was wise or not, the author continued. But complications arose when they tried to work it out. The computation of the national origins was to be based upon the statistics of immigration and emigration together with the rates of increase of population as shown by successive decennial United States censuses, and such other data as might be found reliable. However, there were no statistics of immigration before 1820, and no census figures showing the country of birth before 1850. Another absurdity was the fact that from state censuses of 1790 or thereabouts, a classification of nationality was made according to the recorded name of individuals. The writer went on to say, that this was a rather slender peg on which to hang the present-day chances of a lonely Bohemian mill-wright to bring his wife and children to this promised land. But, he pointed out, the political difficulties were even more significant than the statistical difficulties. He concluded that the plan was almost a statistical absurdity. Then he said:

Immigration is likely to be a disturbing subject whenever it comes up in Congress. Some friends of the quota law fear that the whole structure of restriction will be threatened if the basis of the quotas is dis-

credited. But there is no evidence that the country as a whole has changed its mind about restriction, and it seems probable that some way will be found to withdraw quietly from the too-reasonable position in which we find ourselves, and to restore the prejudiced, unscientific, rule-of thumb quotas based on the 1890 census,--which, at least, do what they were intended to do.²⁰

Another writer of the time had a different view of the National Origins Plan. This individual declared that alien groups appealed to the sentiment of the soft-hearted and unthinking people in America, and thus the plan was postponed. He said that nothing but bickering and confusion would be accomplished by delaying the practical application of the plan and therefore it should be taken out of politics and put to work by Presidential proclamation.²¹

Often it is quite impossible for the deported peasant to comprehend the intricacies of the quota law. Perhaps the experiences of these dazed, rejected people will eventually effect the international relations of the United States in an adverse manner.²² The clause in the act of 1924, which excluded all persons ineligible to citizenship in the United States, seriously affected our international relations with Japan. The Japanese felt that they were

²⁰ Geddes Smith, "Higher Mathematics at Ellis Island," in The Survey, Vol. LVII (January, 1927), p. 488.

²¹ David A. Croteau, "Should Race and Religion be a Bar to Immigrants," in Current History, Vol. XXIX (November, 1928), p. 226.

²² Viola I. Paradise, "Three Per Cent," in Harpers Monthly Magazine, Vol. CXLIV (March, 1922), p. 514.

being treated as an inferior people and protested.²³ American friends of Japan questioned the necessity of brogging the gentleman's agreement and denounced such action as discourteous and unpolitic. The unwise use by the Japanese Ambassador of the phrase "grave consequences," in their estimation did not warrant the brusque and unmannerly action of the Senate.²⁴ Japan announced that she demanded negotiation on penalty of loss of friendship and that she would interpret such legislation as an implication of inferiority. The United States could not concede this without paving the way for untold complications in the future.²⁵ Several suggestions were made to remedy the situation or solve the problem, one of which advocated that we should have made an exclusion treaty with them.²⁶ Perhaps Japan would not have agreed to a treaty. Jane Addams, in an article in National Conference of Social Work, suggested that Japan should have been treated equally with other nations by being given a quota. The author pointed out that less than a hundred and fifty Japanese would have been allowed to come

²³ Henry Pratt Fairchild, A World Movement and its American Significance (New York, Rev. Ed. 1925), p. 466.

²⁴ New York Times, September 1, 1924.

²⁵ Fairchild, op. cit., pp. 466-467.

²⁶ Julie E. Johnson, compiler, Japanese Exclusion (New York, 1925), p. 49.

in under a quota.²⁷ This would have approximated exclusion and would have enabled Japan to "save her face." Another writer perhaps made the most sensible suggestion when he pointed out that all proposals constituted a misguided attempt to open a closed subject.²⁸ Several books have been written about this particular phase of the immigration problem, and the author desires to take this opportunity to refer the reader to R. D. McKenzie's work entitled, Oriental Exclusion.²⁹

²⁷ Jane Addams, "Social Consequences of the Immigration Law," in National Conference of Social Work, 1927, pp. 102-106.

²⁸ "A Misguided Attempt to Open a Closed Subject," in World's Work, Vol. LI (January, 1926), pp. 239-240.

²⁹ R. C. McKenzie, Oriental Exclusion (Chicago, 1928).

III. PUBLIC SENTIMENT TOWARD THE TEMPORARY NATURE OF THE ACT OF 1924

The early American attitude toward the immigrants was quite significant. If they were unsuccessful in competition, they were condemned as paupers; if they were successful, they were a dangerous group that seemed to be driving the native Americans out.¹ The average citizen held a rather contemptuous attitude toward the immigrant. He was continually blamed for conditions for which the community was responsible.² As late as 1852 this attitude was expressed in the Panama Star. It stated that if foreigners came to California they should work the roads, or do anything that might be suited to them, and possibly they would become prosperous. It asserted that the gold mines were preserved by nature for Americans only, who possessed noble hearts.³ The points of views and prejudices of fathers have been passed down to their sons from generation to generation. Mr. Geris, pointed out, that it was rank folly to attempt the solution of the problem by century-old prejudices when

¹ Brown, Immigration Cultural Conflicts and Social Adjustments, p. 95.

² Jane Addams, "Immigrants Under the Quota," in The Survey, Vol. LXIII (November, 1929), p. 139.

³ Ibid., p. 135.

attempts have been made to deal fairly with the United States citizens and with the strangers who seek admission to America.⁴

In the attempts to solve the problem, the suggestion that immigrants are good consumers was heard again. Jane Addams thought that the economists had never sufficiently stressed the fact that the immigrants needed food, clothing, and shelter on a constantly rising standard of living.⁵ Congressman Michael Donohoe of Philadelphia was rather radical when he denounced the present quota law as an attempt to strengthen the British Empire.⁶ Since he was an Irishman, one would expect him to make some such comment. A Jewish leader likewise pointed out that the quota policy was unfair to the Jews.⁷ The actual denunciation or severe criticism of the quota policy was limited mostly to the activities of foreign groups. There were certain items in the policy that needed revision. President Coolidge recommended to Congress, in his annual message, that the law be rendered a little more humane. He expressed the opinion that the law was sound in principle and destined to increase greatly the public welfare.⁸ It seemed that alien organizations were attempting to nullify the law by claims of its

⁴ Garis, Immigration Restriction, p. ix (Preface).

⁵ Addams, loc. cit., p. 137.

⁶ New York Times, July 23, 1925.

⁷ Ibid., May 25, 1925.

⁸ Garis, op. cit., p. 176.

inhumanity. In view of the fact that the alien could learn prior to embarkation whether each member of his family was eligible to admission, their rights to attack the law as inhumane were rather limited.⁹ Furthermore it was shown in the New York Times that present day immigration would lower the quality of the nation and the result would be disastrous.¹⁰ Speaking on the same problem, a Harvard expert on population problems, read a "Deologue on Immigration." The ten reasons that he gave for the restriction of immigration under the present plan were:

1. Emigration forced as an economic necessity by population density affords no permanent relief to the homeland....
2. Conditions in this country are today and will continue to be such that newcomers will meet increasingly bitter competition, which must be accepted under unfamiliar conditions and often with a linguistic handicap.
3. Immigrants who come with a lower standard of living tend to lower our own standards.
4. Immigrants...are relative incompetent when compared with the natives....
5. Incompetent immigrants are expensive fellow citizens, because they add to the tax rates...;
6. Huge numbers of foreign-born lead to a foreign policy based on expediency rather than sound principles.
7. Large groups of foreign-born prevent us from developing a unified national culture.
8. Excessively rapid growth leads to the dissipation of national resources too quickly.

⁹ Roy L. Garis, "Is Our Immigration Policy Satisfactory?" in Annals of American Academy of Political and Social Science, Vol. CLVI (July, 1921), p. 39.

¹⁰ New York Times, August 12, 1925.

9. Immigrant competition tends to sterilize the native population.

10. Immigration, when forced by economic necessity tends to lower the biological quality of the race.¹¹

Even though the American people were satisfied with the main features of the act of 1924, they continually attempted to improve upon it. In his report of 1925, the Commissioner-General of Immigration recommended that non-quota immigrant status be extended to the parents of citizens, and further that the age limit for granting non-quota visas to the unmarried children of citizens should be raised from 18 to 21 years. Even though, he stated, these acts of mercy should not be delayed, he was required to repeat virtually the same recommendation in his report for 1926.¹² In general, the Commissioner-General of immigration was satisfied with the new law. A writer in Current History related that his report for 1926 was perhaps more optimistic in tone than any of the other annual reports made in the different Departments of the Government. He stated that the new policy was a well-grounded set of laws which gave gratifying results.¹³

¹¹ Ibid.

¹² Garis, op. cit., p. 176.

¹³ A. W. Stockwell, "How the New Immigration Law is Succeeding," in Current History, Vol. XXV (January, 1927), p. 517.

In one of his speeches President Coolidge touched upon the new policy of restricted immigration. He said that it was only experimental, but was rapidly assuming every appearance of being likely to secure permanent acceptance.¹⁴ An author, writing about the law in World's Work, said that there was a popular impression that the comprehensive bill had solved the problem, at least for the present generation, but that this was not the case. At least three phases of controversy were taking form. One represented a concerted and persistent attempt on the part of alien groups to bring about the repeal of the Johnson Act. These alien groups circulated the idea that the quota law was merely a temporary measure, passed in haste and panic, and intended to remain on the statute book only until Congress had formulated a permanent policy. The writer declared that this contention was absurd, for the Johnson Act represented a permanent solution, and was so accepted, when passed by the administration and accepted by the public. It was the product of years of study by the most experienced students of the subject. Congressmen, senators, the press, the public, and President Coolidge were almost unanimously for the quota policy. Reverting to the three fields of controversy,

¹⁴ New York Times, April 21, 1925.

the second, according to the author, was the fact that Mr. Johnson would introduce bills intended to make our legislation even more restrictive. The last was the fact that Japan was still unreconciled to the exclusion of her nationals.¹⁵ The advocates of the national-origins plan, which have been mentioned previously, were causing a considerable amount of discussion and criticism. All of these factors indicate that certain features of the immigration policy were as experimental as President Coolidge implied.

Aside from these factors, were the indications that there were still unsettled phases of the immigration problem that would have to be dealt with. Chairman Johnson said that the problems before the committee on immigration were numerous and intricate. He related that the passage of the immigration restriction act in 1924 by no means settled the problems which have been confronting the United States for the past twenty-five years.¹⁶ Harry E. Hull, Commissioner-General of Immigration, declared that the present immigration laws are a medley of after thoughts, since many have been passed and not one has been repealed. He said that

¹⁵ "Attempts to Break Down the Immigration Law," in World's Work, Vol. XLIX (January, 1925), pp. 233-234.

¹⁶ Stockwell, loc. cit., p. 521.

parents of American citizens, artists, and skilled artisans, should be admitted without regard to the quotas.¹⁷ Slightly later a writer summed up the unsettled problems in a concise manner, when he said, "Four main questions are keeping the immigration policy before the public at present. One concerns the matter of separated families...; the second deals with the national origins provision of the law; the third with immigration from the Western Hemisphere; the fourth with Filipino immigration."¹⁸

The proposals for a better immigration policy following the Act of 1924 were not as numerous or as varied as the proposals, which were made after the first quota act. The Commissioner-General of Immigration made several recommendations in his reports. In addition to the humane recommendations, which have already been given, he recommended that the bureau of immigration be provided with more finances so they could more effectively enforce the laws. He likewise advocated a direct appropriation of funds for the registration of all aliens now in the United States. This was neces-

¹⁷ New York Times, April 12, 1926.

¹⁸ Constantine Penunzio, "The United States Immigration Policy," in Annals of American Academy of Political and Social Science, Vol. CLVI (July, 1921), pp. 18-27.

sary in order to ascertain the number and character of the aliens who were illegally here and subject to removal or possible adjustment of their status. He also recommended certain detailed administrative reforms.¹⁹ The national origins was the chief plan being advocated because it was declared that it did not discriminate.²⁰ The purpose was to insure that the future American immigration corresponded to the make-up of the population. It was argued that the application of the system would correct any inequalities caused by the Act of 1924.²¹

¹⁹ Stockwell, loc. cit., pp. 521-522.

²⁰ Ragsdale, The National Origins Plan of Immigration Restriction, p. 35.

²¹ Garis, op. cit., p. 285.

IV. FIRST SCIENTIFIC BASIS FOR IMMIGRATION RESTRICTION

Kartha Ragsdale in her comprehensive work entitled, The National Origins Plan of Immigration Restriction, not only discussed the new plan, but she has also shown how the other acts led to an analysis of the national origins:

Since...the primary objection to the 1890 census as a basis was its artificiality, it was only to be expected that the next plan of restriction would attempt to improve the method used.

Mr. John Trevor, an authority on immigration, showed how the controversy naturally led to an analysis of our national origins as a solution. "It is alleged that the selection of the census of 1890 as the basis for the computation of quotas discriminates unjustly against immigration from what is called the newer sources of supply. Since the late arrivals are in all fairness not entitled to special privilege over those who have arrived at an earlier date and thereby contributed more to the advancement of the Nation, the obvious solution of the problem lies in the racial analysis of the population of the United States."¹

The Secretaries of State, Commerce, and Labor were to ascertain what proportion of the entire population in 1920 originated in the quota countries--that is outside of the Western Hemisphere--or descended from those who came from those countries.² In general they were to ascertain the determination of the national origins from the following

¹ Ragsdale, The National Origins Plan of Immigration Restriction, p. 16.

² Ibid., p. 17.

Sources:

- (1) The reports of the decennial censuses....
- (2) A classification by racial stocks of the white population enumerated at the census of 1790 as published by the Bureau of the Census in the volume entitled, "A Century of Population Growth," supplemented and modified by recent studies....
- (3) The records of immigration....
- (4) Emigration statistics of foreign countries....
- (5) Local records and histories....
- (6) Standard reference works or census reports giving the population of foreign countries at different periods, by provinces and other small political divisions, and by linguistic and racial groups.³

After making the determination above, the Secretaries were to report the quota of each nationality to the President. According to the original provision he was to proclaim the quotas as reported on or before April 1, 1927.⁴ In actuality the application of the quotas was postponed, until President Hoover proclaimed them in 1929.

A great deal could be said about the various provisions of the national origins plan. Since that is not the primary object of paper, the reader is given the following brief explanation of the plan:

The outstanding appeal to the bias and the prejudices of the foreign voters in the last election related to the national origins provision in the present Immigration Law of 1924. This law provides that the immigration quota of each country shall be determined on the national origins plan.... Thus, if a country has contributed one fourth of our white

³ Ibid., pp. 26-27.

⁴ Ibid., p. 17.

population of 89,332,158, according to the 1920 census, then it may send one fourth of 150,000 immigrants every year.⁵

There were a number of advantages of the national origins plan. It safeguarded, as nearly as it was possible, the racial and cultural background of the United States. It distributed the quotas among all the inhabitants of the country, except those from the Western Hemisphere, according to the latest census. It took the native as well as the foreign-born elements of the population into consideration. Lastly it minimized the race discrimination and the arbitrary features which had characterized previous quota laws.⁶

The national origins plan has caused much controversy.⁷ There was much adverse criticism directed toward it. The President of the United States objected to it on the grounds of political inexpediency. The quota board and at least one competent student said that it was impossible to accurately determine the national origins of the country. The Germans, Irish, and Scandinavians disapproved the favorable discrimina-

⁵ Roy L. Garris, "Is Our Immigration Policy Satisfactory?" in Annals of American Academy of Political and Social Science, Vol. CLVI (July, 1931), p. 33.

Constantine Panunzio, "The United States Immigration Policy," in Annals of American Academy of Political and Social Science, Vol. CLVI (July, 1931), p. 23.

Ibid.

tion that it granted the English. The southeastern Europeans attacked it on the ground that it discriminated against them. Some Americans stated that it allowed too many Irish to enter. Other citizens remarked that it did not produce the necessary race selection.⁸ The evidence seemed to be overwhelmingly against the national origins plan. Some of them thought it was sound in theory, but not as practical or as definite as the 1890 census basis, and they concluded, that the United States had no time for experimentation.⁹

Some of the people did not limit their criticism to the new plan, but rather directed it toward the policy of restriction as a whole. They gave a number of negative results of the restrictive laws. Restriction had caused "surreptitious entries;" the negroes had migrated northward; the flow of the rural population to the cities had been intensified; Mexicans had migrated northward to the industrial regions of the Middle West; and the immigration from the Philippine Islands had become comparatively large. Agriculture was said to have suffered, because the domestic market

⁸

Ibid.

⁹

Carle, Immigration Restriction, p. 284.

for farm products had been curtailed, the cost of farm labor had been increased, and the higher cost of industrial labor had compelled the farmer to pay more for everything that he had to buy. Foreigners residing in this country did not return home, due probably to the fear that re-entry would be difficult, and as a result had swelled the ranks of the unemployed. Americanization may have been negatively effected for the immigrant communities had taken on an increased cohesion.¹⁰

Judging from the foregoing paragraphs one might be led to believe that the national-origins quota basis could not be justified. But an author gave two significant justifications of the basis. She said that it gave a scientific basis for the immigration policy and that it did this without discriminating.¹¹ Another individual agreed with her by saying that the object of the act was not to admit more or less of any particular nation but to limit all nations. It was to limit the new immigration in an effective and practical manner.¹² Mr. Garis, in an article on the new policy, compared it with the 1890 census basis. He asserted that the

¹⁰ Penunzio, loc. cit., p. 21.

¹¹ Ragsdale, op. cit., p. 7.

¹² Garis, op. cit., p. 274.

new plan made a more equitable distribution among the various countries and between the "old" and the "new" immigration. The new method was proving highly satisfactory. He expressed the opinion that the national-origins plan should continue unmolested as the permanent quota basis.¹³ A committee of experts who had been studying the problem staunchly declared that they were in favor of retaining it. In their estimation, it represented the most scientific, the soundest in principle, and the fairest quota limitation which had been proposed.¹⁴

In spite of its few shortcomings the national-origins plan of immigration restriction has become the main policy. Since President Hoover proclaimed the new quota base in 1929, only a few minor laws have been passed, and some administrative details have been improved. This does not mean that the American immigration problem has been completely solved. It merely means that a more permanent basis of immigration restriction has been instituted, and some of the chief features of the problem have been solved, at least for this generation. Time must pass before substantial results can be expected. The immigration program seems fundamentally

¹³ Garia, loc. cit., p. 36.

¹⁴ Immigration Program, fifth annual report, prepared by the committee on selective immigration of the American Eugenics Society, 185 Church Street, New Haven, Connecticut, 1930, p. 1.

sound to those people who have visions of a nobler and stronger nation in the future.¹⁵

An article in the New York Times in 1931, stated that immigration had been reduced to a minimum through the action of the American Consular Officers, who had exercised care in not issuing visas to applicants who, might become a public charge. This rule had been applied to the Western Hemisphere as well as to the old world.¹⁶ Harry E. Hull had suggested earlier in a news article that a way would be found to protect American workers from so much alien competition.¹⁷ W. N. Doak, Secretary of Labor under President Hoover, stated in a radio address that the policies of restrictive immigration had lessened labor competition and that Americans should thank their progressive leaders for securing such legislation.¹⁸ Another news article stated that public sentiment was still demanding more restriction and less competition from aliens and alien groups in this country.¹⁹ Accounts of misery and unhappiness caused by the separation of families were told at a House Committee Hearing. They were acting on five proposed immigration laws that would

¹⁵ Carls, loc. cit., p. 34.

¹⁶ New York Times, May 17, 1931.

¹⁷ The United States Daily, March 29, 1930.

¹⁸ Ibid., January 6, 1931.

¹⁹ New York Times, May 20, 1934.

radically modify the present immigration statutes by allowing more humane interpretations.²⁰ It is unfortunate that a few people have to suffer for the benefit of the many, but that is true in all institutions of society. The immigration policies cannot be expected to function properly without causing an occasional hardship. The American immigration laws were not designed to work miracles.

An authority on immigration gave the scope of the American laws in the following manner, "Legislation has covered practically every human ill and undesirable trait in its program of exclusion, so that fewer undesirables should be reaching our shores at the present time. Not only are laws more stringent, but transportation companies have been more careful since they are held directly responsible."²¹

²⁰ Ibid., May 9, 1934.

²¹ Brown, Immigration Cultural Conflicts and Social Adjustments, p. 141.

V. PUBLIC SENTIMENT TOWARD THE FUTURE OF IMMIGRATION TO AMERICA

Except for a general demand for more restriction, the present generation is thoroughly in accord with the American immigration policy. A writer on the United States immigration policy gave the consensus of opinion when he said:

Proposals for the broadening of the restrictive policy range all the way from gradual and moderate extension to the virtual suspension of all immigration, though practically unnoticed by the general public, has gained so much ground that a bill providing for the reduction of the present quotas to about ten per cent, was almost penned in the last Congress.

The main moot question in this regard, however, is whether or not the quotas shall be applied to the Western Hemisphere, which means principally Canada and Mexico. Immigration from exempted countries has amounted to about half of the total immigration during the last four years. This has permitted a labor supply desired by employers, but it has tended to defeat in part the general objective of the restriction policy. Justice would seem to demand that...the quotas are to be alike; but justice here, as in all of life, entails difficulties.

The tendency seems to be, on the one hand, to favor practically unrestricted immigration from Canada on account of trade relations and on the ground that Canadians are probably nearer in racial composition, cultural background, standards of living, language, and so forth, to the people of the United States than are any other people. On the other hand, the prevailing opinion is in favor of a restriction of immigration from Mexico for reasons similar to those which demand restriction of Southeastern Europeans.¹

¹ Constantine Panunzio, "The United States Immigration Policy," in of American Academy of Political and Social Science, Vol. CLVI (July, 1921), p. 24.

Since early times employers on the border farms and ranches have had the privilege of hiring Mexican labor, and therefore it has become indispensable in the border states. This labor is now being employed on public works and railroads, as well as on the farms and ranches. The people of the Southwestern states say that a restriction of Mexican immigration will cause the man of small means, as well as the large employer, severe losses. Consequently they are vigorously opposed to a Mexican quota.² Professor Handman, of Texas, speaking of the increase in Mexican immigration and the results as he saw them in the Southwest, said that Mexican labor had revolutionized agriculture. Large landed estates were being developed. Mexican labor was more easily managed than Negro labor. The present low price of cotton was also a result of the labor.³

The American immigration stations along the border did not give the Mexican immigrants a very good impression of the United States. The buildings were poorly equipped, insanitary, and offensive. Not infrequently people have stood in water, in the examination pens, for hours waiting their turn. Then if they could not be taken care of that day many would return to Mexico and be compelled to return to the

² New York Times, November 29, 1928.

³ Edith Abbot, "Immigration Restriction--Economic Results and Prospects," in American Economic Review, Vol. XVII (March, 1927), p. 130.

station at a later date to take their examinations. Stories were told about how abnoxious officials would annoy, ridicule, and abuse the travelers. Outside the station, individuals, like the coach drivers for instance, would exploit the more ignorant Mexicans in a terrible manner. The Mexicans, who are known for their inborn traits of courtesy, passed through the station without giving offense or acting discourteous in any manner.⁴

A number of proposals have been made for the restriction of Mexican immigration, and public opinion has been divided on the question. Benjamin M. Day, Commissioner of Immigration, declared in 1927 that he was in favor of restrictions on Latin Americans.⁵ Labor took its traditional stand when the delegates to the convention of the American Federation of Labor passed a resolution which favored the rigid restriction of all aliens desiring to migrate to the United States.⁶ As a result of the general agitation for curbs on the immigration of our neighbors, bills were introduced in Congress to put Mexico on a quota basis. There were several reasons for the introduction of such a bill. In 1923, more than sixty-two thousand Mexican immigrants had entered the United States. This was increased to

⁴ Vera L. Sturges, "Mexican Immigration," in The Survey, Vol. XLVI (July 2, 1921), pp. 470-471.

⁵ New York Times, May 19, 1927.

⁶ Ibid., November 27, 1928.

87,648 in 1924. However, Mexican immigration fell in 1925 to 32,378 and for the fiscal year ended June 30, 1926, rose to 42,368. The number of Mexicans admitted in 1927 rose to 66,766.⁷ Even though the immigration of Mexican laborers really started during the World War period, the great influx was caused by the passing of the various quota acts.⁸ The fee of \$10.00 charged for a visa probably caused the lower figures. Incidentally, the fee might have stimulated smuggling operations along the border. The apparently rising tide of immigration from Mexico had awakened so much apprehension in different quarters that a bill to extend to Mexico the quota regulations was introduced in Congress.⁹

John C. Box, a representative from Texas, expressed sympathy and concern for the unfortunate Latin Americans. He said that one of those great migrations, was occurring such as have taken place in the history of the world, from the unfortunate people of the south. He said that they were poverty stricken and oppressed with all the things that cause human beings to seek food, homes, and safety. He declared that the United States should give Mexico a quota

⁷ Louis Block, "Facts About Mexican Immigration Before and Since the Quota Restriction Laws," Journal of American Statistical Association, Vol. XXIV (March, 1929), p. 54.

⁸ Ibid., pp. 52-53.

⁹ A. W. Stockwell, "How the New Immigration Law is Succeeding," in Current History, Vol. XXV (January, 1927), p. 520.

basis since the legislation had been indorsed by some forty or fifty of the leading patriotic societies of the country who were only interested in the public welfare. He pointed out that farmers preferred the Negro and white man labor. Another good reason for his contention for the law, was to sustain the quota law by applying it to the various countries equally. He then gave the substance of a report made by the California Commission of Immigration and Housing. Some of the elements of danger from the unrestricted immigration of Mexicans were:

1. They drain our charities.
2. They or their children become a large portion of our jail population.
3. They affect the health of our communities.
4. They create a problem in our labor camps.
5. They require special attention in our schools and are of low mentality.
6. They diminish the percentage of our white population.
7. They remain foreign.¹⁰

Edward H. Dowell made an extensive statement showing two facts: the number of relief rolls containing Mexicans; and the fact that American citizens must do their own meniel or manual work or the nation may be doomed.¹¹ John N. Gardner, a representative from Texas, expressed the opinion

¹⁰ John C. Box, "Should Quota Law Be Applied To Mexico," in Congressional Digest, Vol. VII (May, 1928), pp. 156-157.

¹¹ Edward H. Dowell, "Should Quota Law Be Applied To Mexico," in Congressional Digest, Vol. VII (May, 1928), pp. 158-159, and 162.

that the quota should be applied equally to Canada and Central and South America as well as Mexico.¹² Since it would be undesirable to apply the quotas to all the countries equally, the opponents of the measure had an opportunity to express their views.

It was asserted that the immigration from Mexico did not increase the Mexican population along the border. That it did not deteriorate the citizenship of the community.¹³ There are a number of prejudices involved in any consideration of the problem of Mexican immigration. The southerners, the people who were affected most by the Mexican settlements, were not prejudiced in the consideration of the question.¹⁴ Consequently they favored the reasonable immigration of Mexican labor.

Another gentleman went farther and gave two outstanding reasons why the restriction of Mexican immigration was not a practical plan. He said that it would introduce a sudden and very disturbing labor situation in the rural areas. He stated that Negroes or white people could not be obtained to do the labor that the Mexicans were willing to do. Further-

¹² John M. Gardner, "Should Quota Law Be Applied To Mexico," in Congressional Digest, Vol. VII (May, 1928), p. 157.

¹³ Ibid., p. 155.

¹⁴ Ibid., p. 157.

more, he declared that it would paralyze transportation industries and thus make it difficult for the farmers to get their crops to market.¹⁵ Somewhat later a news article told about Senator Bingham assailing the bill on Latin Immigration. His reasons were that Latin American immigration would not affect the labor problem one-millionth of one per cent, and the only result of an attempt to limit that immigration would be hard feelings.¹⁶ Another article called attention to the fact that the proposed bill should receive careful scrutiny in Congress, regardless of how strong the arguments were in favor of the limitation of immigration, since it was open to objection on several grounds. An undesirable feature of the bill established a quota for Canada, when the continuance of harmonious friendship between the two countries was of vital importance. The restrictions designed for the nationals from the Western Hemisphere were different from those which had been placed on the nationals of European countries. It would probably cause dissatisfaction among Europeans and Latin-Americans alike, if the Latin-Americans were placed in a distinct category apart from the Europeans.¹⁷

¹⁵ Alfred P. Thom, "Should Quota Law Be Applied To Mexico," in Congressional Digest, Vol. VII (May, 1928), pp. 159-160.

¹⁶ New York Times, April 22, 1930.

¹⁷ Ibid., February 28, 1930.

The treatment of Mexican immigration has thus far, not taken into consideration those immigrants who are smuggled into the country, or those who are residing here illegally. There are no published immigration statistics, records, or even accurate estimations of the number of Mexicans residing or entering the United States illegally.¹⁸ Since the first settlers broke the ground and started farming and ranching in the states near the Mexican border, the employers have hired and discharged Mexican laborers indiscriminately, without reference to the legality of their residence in the country. Some have been guilty of violating the contract labor law, smuggling in labor, or violating some of the other immigration statutes of the United States. Few cases were actually prosecuted. In the cases which were prosecuted few convictions have been secured, because of the difficulties of procuring indictments and conviction before juries composed of farmers or their sympathizers. The plan inaugurated recently which provided for the issuing of identification cards to arriving immigrants was not only a veritable boon to the officers, but was of particular value to

¹⁸ Immigration and Naturalization Statistics of the United States--Their Nature, Volume and Method of Compilation, Lecture no. 30, 2nd series. United States Department of Labor, January 7, 1935, p. 9.

the alien himself.¹⁹

Some people were so far beneath the law that they not only hired laborers who were here illegally, but contracted with "coyotes," or professional smugglers to bring in cheap labor.²⁰ Fortunately since the border patrol was definitely established by the appropriation act of 1924-1925 the number of illegal entries has recently been materially reduced.²¹

The restriction of immigration, with all the complicated and expensive machinery which the quota laws have necessitated, could not be effective without corresponding activities in the enforcing of the deportation laws. Shortly after the first quota law had been adopted, a writer in Harpers Monthly declared that some less haphazard way to enforce the deportation laws should be devised. The public should know what goes on in the Special Inquiry hearings, this writer said. This would be certain to increase the wisdom with which the nation would handle its immigration policies.²² At a later date,²³ President Hoover recommended in his message to Congress that the deportation laws be strengthened. "Aliens lawfully in the country should be

¹⁹ Problems of the Immigration Service. Papers presented at a conference of Commissioners and District Directors of Immigration, (Washington, 1929), pp. 15-16.

²⁰ Brown, Immigration, Cultural Conflicts and Social Adjustments, pp. 196-197.

²¹ Ibid., p. 196.

²² Violet I. Peredise, "Three Per Cent," in Harpers Monthly Magazine, Vol. CXLIV (March, 1922), p. 514.

²³ December, 1931.

protected by the issuance of a certificate of residence," he declared.²⁴

The deportation policies and practices reflect in an indirect manner the attitude of the public toward the enforcement of the American immigration policies. In order to enable the reader to form a sound opinion toward this phase of the immigration policies, the author desires to present the treatment by first, observing a brief history of deportation laws; second, the classes of aliens subject to deportation; third, the effects of the enforcement of the deportation laws; and lastly some expressions of public sentiment toward the deportation laws and practices. A recent report of the National Commission on Law Observance and Enforcement gives a brief history of deportation laws which reads as follows:

The first general immigration law, passed in 1802, provided only for the deportation of aliens who were excluded at the ports of entry. In 1888 Congress provided for the deportation of contract laborers who within a year after landing were found to have entered in violation of law. The expulsion and deportation of aliens after they had been permitted to land was first provided for as a general system in the act of 1891. The periods during which deportations were possible were extended in certain cases in 1903 and 1907.

²⁴ New York Times, December 9, 1931.

In the general immigration act of 1917 the provisions regarding expulsion were greatly enlarged and extended and it is this act with subsequent modifications and enlargements which is still the general basis of warrant proceedings. Important changes as to the time within which deportation could be effected and as to the penalties for violation of the deportation laws were made in 1924 and 1929.

Despite the changes of substantive law, the procedure in general warrant cases has remained unchanged since the act of 1917....

Unlike the general provisions applicable to aliens found to be unlawfully in this country, the Chinese exclusion laws have always provided that any Chinese person found unlawfully within the United States shall be removed to the country whence he came after being brought before some justice, judge, or commissioner of the court of the United States and found not lawfully entitled to be, or remain in the United States.²⁵

The American immigration laws apply equally to aliens on each occasion of their entry to the United States. Aliens who enter the country without the prescribed inspections, or who secure entry through misrepresentation, are liable to arrest and deportation.²⁶

The aliens deportable according to the statutes may be divided into two classes. The first class includes those who may be deportable because of their manner of entry. The chief types included in this class are the following:

²⁵ Fifth Annual Report on the Enforcement Of The Deportation Laws Of The United States, National Commission on Law Observance and Enforcement (Washington, 1931), pp. 32-33.

²⁶ Arthur E. Cook, and John J. Hagerty, Immigration Laws of the United States Compiled and Explained (Chicago 1929), pp. 7-8.

Any alien who...was a member of one or more classes excluded by law.

Any alien who was convicted or admits the commission prior to entry of a felony or other crime or misdemeanor involving "moral turpitude."

Any alien who shall have entered the United States by water [or by land] at any time or place other than as designated by immigration officials.

Any alien who is found to have been at the time of entry not entitled to enter the United States....²⁷

There were other types of aliens who might be classified as being deportable because of their manner of entry, but the author did not list them in the preceding list because those general classes have been given elsewhere. Some of the types who are deportable because of their condition or actions after entry may be placed in the second classification of aliens as follows:

Any alien who is an anarchist, who advises, teaches, or is a member of or is affiliated with any organization advising or advocating opposition to all organized government;...or the unlawful damage or destruction of property....

Any alien who within five years after entry becomes a public charge from causes not affirmatively shown to have arisen subsequent to landing.

Any alien who is sentenced to imprisonment to a term of one year or more because of conviction in this country of a crime involving "moral turpitude" committed at any time after entry.

Any alien who imports or attempts to import...any alien for the purpose of prostitution or any other "immoral purpose."

²⁷ Fifth Annual Report on the Enforcement of The Deportation Laws of The United States, National Commission on Law Observance and Enforcement, pp. 33-34.

Any alien convicted for a violation of the narcotic act.

Any alien interned under war legislation or convicted for violation or conspiracy to violate certain acts of Congress with respect to interference with foreign relations and neutrality, willful injury of war material, and other similar measures.²⁸

Some of the effects of the enforcement of the deportation laws are indicated in the following compilation of the Department of Labor, a compilation which gives the principal causes of deportation and the numbers which have been deported each year for the years between June 30, 1921 to 1930:

²⁸ Ibid., pp. 34-35.

Causes

Year ended June 30---

	1921	1922	1923	1924	1925	1926
Total -----	4,517	4,345	3,661	6,400	9,495	10,904
Public charges from causes existing prior to entry -----	750	560	336	716	803	1,087
Mentally or physically defective at time of entry -----	157	135	103	161	110	156
Criminal and immoral classes -----	1,119	779	730	967	1,037	1,290
Without proper visa under immigration act of 1924 -----					2,723	4,582
Failure to maintain student status -----						15
Remained longer than permitted -----						26
Under Chinese exclusion not -----	34	62	115	172	93	178
Geographically excluded classes -----	1	52	44	53	57	58
Unable to read (over 16 years of age) -----	328	274	262	345	474	494
Likely to become a public charge, including professional beggars, and vagrants -----	1,313	1,718	1,194	2,095	1,761	889
Other causes -----	603	694	817	1,846	2,371	2,102
Contract laborers -----	152	71	60	54	66	27

Causes	Year ended June 30----				
	1927	1928	1929	1930	Total 10 yrs.
Total-----	11,662	11,625	12,908	16,631	92,157
Public charges from causes existing prior to entry-----	817	936	647	656	7,310
Mentally or physically defective at time of entry-----	225	163	25	386	1,628
Criminal and immoral classes-----	1,613	1,844	1,857	2,456	13,692
Without proper visa under immigration act of 1924-----	5,464	5,367	6,874	6,694	31,704
Failure to maintain student status-----	17	20	24	12	88
Remained longer than permitted-----	192	1,165	2,084	2,019	5,466
Under Chinese exclusion act-----	141	139	33	166	1,133
Geographically excluded classes-----	64	34	2	12	1,377
Unable to read (over 16 years of age)-----	708	333	63	2,686	5,977
Likely to become a public charge, including professional beggars, and vagrants-----	571	478	373	305	10,697
Other causes-----	1,762	1,110	935	1,156	13,456
Contract laborers-----	88	29	11	73	631
					29

29 ibid., p. 124.

It would be difficult, if not impossible, to compile many varied expressions of public sentiment toward the deportation policies. This may be attributed to the general indifference of the public toward the preservation of the individual rights of others.³⁰

It is apparent that there are mistakes made under the present system of deportation, but they can be avoided by a more careful handling of the present machinery. The hardships which are often caused are not so much the fault of the administration as of the law itself which in its rigidity does not allow the exercise of an ameliorative discretion in those cases where family relationships would be distressingly disturbed by a strict adherence to the letter of the law.³¹

There are some objectionable features in the administration of the present system. Frequently personal rights are invaded by illegal searches and seizures.³² There is a general lack of cooperation in the apprehension of alien criminals. Over-centralization of the force is obvious. There is an insufficiency of field personnel. Then there are a number of handicaps resulting from a confusion of

³⁰ Ibid., p. 156.

³¹ Ibid., p. 13.

³² Ibid., p. 133.

functions.³³

A list of recommendations were made in the Fifth Annual Report of the National Commission on Law Observance and Enforcement. Those recommendations partially indicate the feeling of the public in respect to the deportation policies. The recommendations were:

(a) The Department of Labor should be charged only with the duties of investigation and prosecution of aliens unlawfully in this country and of execution of warrants of deportation when issued.

(b) The caliber of immigrant inspectors and patrolmen should be raised; they should be taught and made to observe constitutional rights and elementary principles of fairness in their investigations and examinations.

(c) More cooperation between State and local authorities and the immigration authorities should be effected in the investigation of aliens subject to deportation, particularly aliens of the criminal classes.

(d) An independent board with some such name as the "board of alien appeals," should be created, composed of men of judicial caliber, to be appointed by the President. This board should be charged with the duties of issuing warrants of arrest, of conducting hearings on the warrants, and of deciding when warrants of deportation should be issued. Its findings should be published.

(e) The board of alien appeals should have discretion to allow even deportable aliens to remain in this country where deportation would result in unnecessary hardship to American families, or is otherwise found to be inadvisable. Discretion should also be given aliens previously deported.

³³ Ibid., p. 150-151.

(f) This board should have broad powers in effecting its own organization. It should have the right to appoint subordinate officials, such as masters or examining attorneys; these appointees would act as officers of the board in the different localities and would be under its sole jurisdiction.

(g) Legal aid societies and certain philanthropic organizations should cooperate in arranging to furnish attorneys to persons charged with being illegally in this country, where such persons desire counsel but have no funds....

(h) Aliens subject to deportation to a country where their lives may be in danger because of their political opinions should be allowed to depart at their own expense to any other foreign country will to receive them, as a compliance with the warrant.

(i) The agencies for preventing unlawful entry into this country should be strengthened. The personnel of the border patrol should be increased and the consular offices abroad should take further steps to see that applicants for visas realize that unlawful attempts to enter this country are punishable by fine and imprisonment.³⁴

In view of the fact that the foregoing recommendations were necessary for the deportation service, a writer who was giving the naturalized citizen's view of deportation, had a right to urge that the proceedings should be humanized. This writer said that it would be done if the people would become more familiar with what went on when the deportation laws and ordinances were applied.³⁵ One reasonable way in which the laws could be humanized would be to

³⁴ Ibid., p. 178-179.

³⁵ A. Th. Polyzoides, "A Naturalized Citizen's View of Immigration," in Annals of the American Academy of Political and Social Science, Vol. CLVI (July, 1931), p. 51.

permit, the law-abiding, hard-working alien who happened to enter illegally through the neglect of some technicality in the laws, to remain in this country. Frequently these people were led to emigrate through the efforts of an unscrupulous agent or a good-hearted, but light-headed friend. The mere fact that he is an alien should not make him ineligible to a parole and an opportunity to lead a decent life in his community.³⁶

Articles expressing sympathy for aliens who are subject to deportation do not frequently occur in the newspapers. More articles of the opposite nature are in the news. For instance, a recent article stated that Representative Martin Dies of Texas was drafting a bill to deport six million aliens in order to aid in the solution of the unemployment problem of the United States.³⁷

The immigration of Filipinos is one of the unsettled problems in American immigration. The Filipinos are considered undesirable by most people and also the fact that they have been denied citizenship places them in a distinct category.³⁸ An act which was passed in March, 1934, provided

³⁶ Ibid., p. 52.
³⁷ Manhattan, Kansas, Morning Chronicle, June 26, 1935.

that the Filipinos shall be regarded as aliens and are subject to all the provisions of the immigration laws with the exception of the exclusion clause which was a part of the Act of May 26, 1924.³⁹ The Philippine Islands have a quota of fifty, for each fiscal year, who may amigrate to this country.⁴⁰ Roy L. Garis, in writing about the immigration policy, stated that the exclusion of all Asiatic immigration was inevitable, and vital to the welfare of the United States. The gravest danger from oriental immigration at the present time comes from the exemption of Filipinos from the exclusion policy. It is just as essential that America exclude Filipinos as any other Asiatics, for their presence in this country has already become a most serious problem.⁴¹ Bruno Lasker gave a timely and thorough discussion of the Filipino immigration problem, as cited in the Annals of American Academy of Political and Social Science. In his comprehensive treatment of the problem he said that the demand for the exclusion of the Filipinos was based upon the fear that Filipino immigration would produce serious social and economic problems, especially on the

³⁹ "Summary of the United States Immigration Laws," U. S. Department of Labor Immigration and Naturalization Service (Washington, n. d.), p. 8.

⁴⁰ The World Almanac and Book of Facts for 1935 (New York, 1935), p. 205.

⁴¹ Garis, "Is Our immigration Policy Satisfactory?" in Annals of American Academy of Political and Social Science, Vol. CLVI (July, 1931), p. 38.

Pacific coast. The fact that mob demonstrations have already taken place, though probably not truly representative of the sentiment of the people, does indicate that action should be taken. Filipinos tend to retard the improvement of working conditions; to feed parasite industries; and to hold back the mechanization of industry. Nevertheless the question is not solely economic in scope. Exclusion would affect the labor supply of Hawaii, which depends upon Filipinos for its supply. It would probably affect American foreign relations in the Far East by further jeopardizing friendship with those nations. The solution of American tariff difficulties would be complicated. Therefore the problem calls for a considerable amount of deliberation and consideration before a permanent solution can be attempted.⁴²

There were a number of proposals made and plans advocated, after the passage of the first quota act in 1921, which were extensive in scope. Public sentiment questioned the desirability, practicality, and rightness of the new policy of restriction. The proposals advocated numerous solutions to the problem, including the condemnation of the restrictive policy and similar suggestions.

⁴² Panunzio, loc. cit., pp. 24-25.

After more than a decade of restrictive immigration, proposals and recommendations are continually made. However, they do not question the desirability, practicality, or rightness of the policy to a large extent, but instead suggest ways in which the policy may be made more restrictive or improved in some other way.

The question of further unrestricted immigration to this country, during a time of economic depression, has become a matter of deep concern. No one wants it--not even the foreign-born residents of the country. Not only has the wisdom of the restriction of immigration been conceded, but also the wisdom of still greater restriction has been accepted.⁴³ Speaking before the Military Order of the World War, a gentleman called attention to the illegal entry of 1,800,000 foreigners, because of the lax immigration laws and to the fact that the "Melting Pot" theory was amiss.⁴⁴ In a message to Congress, President Hoover declared that there was need for a revision of the immigration laws upon a more limited and more selective basis, flexible to the needs of the country.⁴⁵ A Professor of the Department of

⁴³ Polyzoides, loc. cit., p. 50.

⁴⁴ New York Times, September 22, 1928.

⁴⁵ Ibid., December 3, 1930.

Sociology of Smith College, declared that the only sound basis for immigration restriction was to admit those who rise above the average norm physically and mentally.⁴⁶ These factors show that the country had definitely turned from the asylum theory to the advocacy of more restriction of a select nature. A group of experts presented, in a report for the American Eugenics Society, the following immigration program:

1. The national Origins basis of Immigration restriction....
2. In view of the general sentiment of the country for further limitation upon immigration, with which the Committee is in full accord, it is recommended that all the quotas now in force be reduced by one-half except that the present minimum quota of 100 be preserved. The Committee is of the opinion that while there is much to commend a policy of permanent exclusion of immigration, the problem of devising a reasonable method for controlling the admission of near relatives of recent immigrants renders the adoption of such a policy impracticable at the present time.
3. Establishment of the principle of numerical limitation upon immigration from all countries of the western hemisphere.
4. Appropriation by Congress of adequate funds for the deportation of all deportable aliens in this country....
5. Registration of the alien population in this country....
6. Selection of immigrants so as to admit only those who are superior to the median American in mental endowment....
7. Overseas medical inspection of intending emigrants....
8. In view of the emphasis recently put on the more rigid enforcement of the "public charge" clause, and continuously upon policies of "occupational selection" or "industrial need," to meet alleged economic

⁴⁶ Ibid., March 20, 1927.

situations, the Committee points out that a study of legislative experience over a half-century demonstrates that plans for economic and biological selection of immigrants are necessarily dependent for success upon definite and sound numerical quota limitations controlling mass immigration into this country.

Madison Grant, Chairman
 Guy Irving Burch, Secretary
 Charles W. Gould
 Roswell H. Johnson
 Francis M. Kinnicutt
 H. H. Laughlin
 John B. Trevor
 Robert DeC. Ward
 Roy L. Caris
 Henry Pratt Fairchild.⁴⁷

Dr. Harry H. Laughlin of the Department of Eugenics of the Carnegie Institution of Washington, one of the foremost authorities in the United States today on the subject of immigration, submitted to the members of the New York Chamber of Commerce a preliminary report of his recent study of the United States immigration policies. Dr. Laughlin said that men of real hereditary capacity, sound in physical stamina and of outstanding personal qualities should be welcomed as desirable future American citizens.⁴⁸ He was not urging the "letting down" of the immigration bars but the opposite--the raising of the standards for admission. "If any would-be immigrant, said Dr. Laughlin, cannot meet these standards, he should, of course, be excluded."⁴⁹ He

⁴⁷ Immigration Program. Fifth annual report, prepared by the Committee On Selective Immigration of the American Eugenics Society, p. 1.

⁴⁸ New York Times, May 4, 1934.

⁴⁹ Ibid.

then went on to say that Jews were not an exceptional race and therefore all Jews could not be welcomed simply because they were being persecuted. "High-grade Jews are welcome," he stated "but low-grade Jews must be excluded."⁵⁰ The Jews thought that Dr. Laughlin had slurred their race and attacked his report. "Dr. Laughlin's purification of the race theory," Mr. Deutsch said in opening the conference, "is as dangerous and as spurious as the purified Aryan race theories advanced by the Nazis, to which it bears suspicious resemblance."⁵¹ Dr. Laughlin went on to say in his report, which reveals some elements of the attitude of the public toward the future of immigration to America, that Germany had not used up her annual quota because of the order which was issued denying immigration visas to would-be immigrants who could not show that they would not become public charges after they arrived in America. A lower standard in this respect would be inconceivable. He further recommended that no member of a family be admitted if it should cause a separation of the family, and that quotas should be reduced by 60 per cent. He advocated punishment or deportation when

⁵⁰ Ibid.
⁵¹ Ibid., May 7, 1934.

alien propaganda within this country became too extreme. The metaphor of the "Melting Pot" should be discarded, he pointed out. Then he characterized the controlling of immigration in the following manner: "If they who control immigration would look upon the incoming immigrants, not essentially as in offering asylum nor in securing cheap labor, but primarily as 'sons-in-laws to marry their own daughters,' they would be looking at in the light of the long-time truth!"⁵²

After one has reviewed a few of the many proposals and recommendations which are everlastingly made, it would be easier to agree with Jane Addams, who stated that one difficulty with the quota policies was the fact that they refused to stand still.⁵³

This would be an inadequate treatment of the proposals which have been made recently in respect to the immigration policies if more of the proposals were not considered. Some criticisms have been advanced which question the fundamental theories of the immigration restriction policy and suggestions have been made for the adoption of broad bases for the permanent, future policy of the United States.

⁵² New York Times, May 4, 1934.

⁵³ Addams, "Immigrants Under the Quota," in The Survey, Vol. LXIII (November, 1929), p. 138.

The suggestions of the first type question the underlying theories of the immigration policy which aims to preserve a comparative sparsity of population, and thereby contribute to the maintenance of the economic status. It attempts to safeguard labor in America. It attempts to protect social standards and political ideals. Finally it preserves as nearly as possible racial and cultural unity. Scientific students point out that migration seems to have had in the past no permanent effect on the rates of increase of population; that it appears to have had no appreciable effect upon the economic cycles of booms and depressions; that large streams of immigrants have frequently caused better laboring conditions; and that the "new" immigrants are about average social beings, no more and no less law-abiding or criminally inclined than the rest of the community.⁵⁴ Dr. Earnest Minor Patterson, Professor of Economics at the University of Pennsylvania, submitted a paper at the annual meeting of the American Philosophical Society, in which he asserted that the migration of people furnished an issue which may soon become acute in international policies. "Thus far, Americans have taken refuge in the easy but super-

⁵⁴ Panunzio, loc. cit., p. 20.

ficial contention that immigration is a purely domestic question and that we may decide it as we see fit."⁵⁵ It was also shown that the enforcement of the immigration laws involves methods which have been declared negative and discriminatory.⁵⁶ Other leaders and students question the inequality of treatment of nations which has arisen through the application of the quotas.⁵⁷

The proposals, of the second type, which advocate bases for the future immigration policy of America, are broad in scope and basic in nature. Two views of immigration as a whole have frequently clashed in the halls of Congress, in public discussions, and in the press. Those views are whether immigration is a domestic or international policy.⁵⁸ International considerations, if embodied in the laws would improve American foreign relations. The immigration policy would be consistent if it should encompass only as many international considerations as would not conflict with the culture and mode of living.⁵⁹ A smaller quantity of immigrants and at the same time a better quality should be provided for by a greater application of selective policies in

⁵⁵ New York Times, April 22, 1928.

⁵⁶ Penunzio, loc. cit., p. 25.

⁵⁷ Ibid., p. 22.

⁵⁸ Harold Fields, "Immigration--A Domestic or an International Problem," in Annals of American Academy of Political and Social Science, Vol. CLVI (July, 1931, p. 41.

⁵⁹ Ibid., p. 48.

restricting immigration. Thus physically, mentally, morally and industrially qualified immigrants when admitted could fit right into the ranks of the gainfully employed.⁶⁰ The same suggestion was repeated two years later in a radio address. The speaker said that the mighty immigration problem of the future would be to enact a permanent, scientific, selective immigration law. It would give the United States an opportunity to bring to her shores the cream of the world's civilization.⁶¹ A proposal was made for the equality of treatment of nationals. It seemed unjust to exempt the nations of the Western Hemisphere from the quota provisions of the laws. Therefore the quota system would have been, perhaps, more equitable if it had been extended to all countries in addition to those of Europe.⁶² Albert Johnson found that many people were in favor of stopping all immigration to the United States and he predicted the barring of all aliens within the next twenty-five years.⁶³

During the last few years there has been an agitation for the codification of all the immigration laws which have been passed in the United States. An editorial in World's

⁶⁰ The United States Daily, September 16, 1930.

⁶¹ New York Times, August 29, 1932.

⁶² Polyzoides, loc. cit., p. 50.

⁶³ New York Times, March 29, 1927.

Work declared that it was imperative that Congress have this task done. The existing laws are little more than a patchwork of statutes drafted over half a century, each to meet a particular situation. Therefore the laws should be consolidated and brought up to date.⁶⁴ Three years later Colonel Daniel W. MacCormack, who had been recently appointed Commissioner-General of Immigration, repeated the proposal by saying that the administration of immigration laws would be aided by a codification of the existing statutes and court decisions.⁶⁵ Over a year later the Department of Labor was being urged to undertake the desired codification of the immigration statutes.⁶⁶

Immigration is distinctly a new phenomenon. Although migrations have taken place in ancient and medieval history, nothing is comparable to the movement of population from Europe to America in the last one hundred years. The steamship, the railroad, the telegraph, the wireless, the radio, and the aeroplane have caused the earth to grow smaller and have consequently enabled such a migration of people to take place.⁶⁷ Immigration has been but a part of a larger situa-

⁶⁴ "Codify the Immigration Law," in World's Work, Vol. LIX part 2 (November, 1930), p. 19.

⁶⁵ New York Times, May 10, 1933.

⁶⁶ Ibid., April 29, 1934.

⁶⁷ Stephenson, A History of American Immigration, p. 6.

tion, involving politics, economics, social interaction and adjustment, and countless other factors, and it must be considered not a thing of itself but as being interwoven with all that has taken place and is taking place in the United States.⁶⁸ Public sentiment looks further than the immediate present. It demands an immigration policy that will work now, and work down through the years into the future. The public is asking that it be a selective policy, aiming to admit to the country only the sound,⁶⁹ and only the best from among those people who will press to come across the seas and become future American citizens.

⁶⁸ Brown, Immigration Cultural Conflicts and Adjustments, p. 349.
⁶⁹ James John Davis, Selective Immigration (St. Paul, Minn., c. 1925), p. 179.

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